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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

TRANSFER OF EMPLOYEES

In § 18.9, subparagraph (2) of paragraph (g) (9 F.R. 7235, 15135; 10 F.R. 2155) is amended by adding the following:

§ 18.9 *Transfer.* * * *

(g) *Status of employees.* * * *

Any transfer or reappointment of an employee who had been recommended for classification in his former position, and whose suitability for classification was under investigation, shall be subject to the results of such investigation.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL, *President.*

JUNE 15, 1945.

[F. R. Doc. 45-10847; Filed, June 20, 1945; 10:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 10—FEDERAL LAND BANKS GENERALLY

CONDITIONAL PAYMENTS

Section 10.243 of Chapter I, Title 6, Code of Federal Regulations is hereby amended to read as follows:

§ 10.243 *Evidence of acceptance of conditional payments.* Upon acceptance of a conditional payment, the bank shall furnish the borrower with a receipt, which shall identify the indebtedness in connection with which the conditional payment is accepted, and set forth generally the conditions under which such payments are held; *Provided,* That if the bank, under a procedure approved by the Administration, furnishes the borrower a general statement of such conditions to apply to one or more payments, the receipts for such payments need not set forth the conditions. The form of receipt used by a bank shall have the approval of the Administration.

(Sec. 4, 39 Stat. 363, sec. 17, 50 Stat. 708; 12 U.S.C. 676, 781 "Eighteenth")

[SEAL] W. E. RHEA, *Land Bank Commissioner.*

[F. R. Doc. 45-10855; Filed, June 20, 1945; 3:40 p. m.]

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[WFO 135]

PART 1202—FARM MACHINERY AND EQUIPMENT

VETERAN'S PREFERENCE FOR NEW FARM MACHINERY AND EQUIPMENT

Pursuant to the authority vested in me by Executive Order No. 9280 (7 F.R. 10179), as amended by Executive Order No. 9322 (8 F.R. 3807), Executive Order No. 9334 (8 F.R. 5423) and Executive Order No. 9392 (8 F.R. 14783), it is hereby ordered, that:

§ 1202.500 *Veteran's preference for new farm machinery and equipment*—(a) *Definitions.* For the purposes of this order:

(1) "County agricultural conservation committee" means, in the continental United States, the county agricultural conservation committee for each county for which such committee has been established, or the farm rationing committee for Alaska, Hawaii, Puerto Rico and the Virgin Islands, established pursuant to the provisions of War Food Order No. 14 (8 F.R. 17456, 9 F.R. 7739).

(2) "Dealer" means any person engaged in the business of selling new farm machinery and equipment to farmers.

(3) "Director" means the Director, Office of Materials and Facilities, War Food Administration.

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FEDERAL REGISTER

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NOTICE

The 1943 Supplement to the Code of Federal Regulations, covering the period June 2, 1943, through December 31, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per book.

Book 1: Titles 1–31, including Presidential documents in full text.

Book 2: Titles 32–50, with 1943 General Index and 1944 Codification Guide.

The complete text of the Cumulative Supplement (June 1, 1938–June 1, 1943) is still available in ten units at $3.00 each.

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(4) "Person" means any individual, partnership, corporation, association, business trust or any organized group of persons, whether incorporated or not.

(5) "State AAA Committee" means the State Agricultural Conservation Committee for the State.

(6) "Veteran" means any person who shall have served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to the termination of the present war and who shall have been discharged or released therefrom under conditions other than dishonorable after active service of ninety days or more, or by reason of an injury or disability incurred in service in line of duty.

(b) *Application.* Any veteran who owns a farm or operates a farm as a tenant, or who is a sharecropper, may apply for a veteran's preference certificate for any item of new farm machinery and equipment (except repair parts) which is listed in War Production Board Order L–257–c (10 F.R. 5684), for the purpose of establishing or reestablishing himself as a farmer. Such application shall be made on a form to be prescribed by the Director, and shall be filed with the county agricultural conservation committee for the county in which such equipment is to be principally used. The applicant must establish to the satisfaction of the committee that he has urgent need for the desired equipment, that he has made a diligent effort to obtain new and used equipment to meet such need without success, and that the supplying of the desired equipment to him would tend to increase the production of food to meet war and essential civilian needs.

(c) *Veterans' preference certificate.* Upon approval of an application made pursuant to this order, the county agricultural conservation committee shall issue to the veteran a veteran's preference certificate for the equipment covered by the application. The certificate shall be in the form prescribed by the Director. The certificate shall contain a description of the equipment, including the item number as shown in War Production Board Order L–257–c. A separate preference certificate shall be issued for each item of equipment. No certificates shall be issued to any one veteran for equipment in excess of his minimum needs as determined by the county agricultural conservation committee. In determining such minimum needs the county agricultural conservation committee shall take into consideration the type and size of the veteran's farm operation and any equipment already owned by him or available for his use.

(d) *Action by dealer.* (1) A veteran's preference certificate issued pursuant to this order may be presented to any dealer in new farm machinery and equipment within whose trade territory such veteran's farm is located. Except as provided in paragraph (d) (2) hereof, such dealer shall supply such veteran with the equipment described on the preference certificate before supplying any person not holding a veteran's preference certificate with like equipment, notwithstanding any prior commitment or contract with any such person. If a dealer receives more than one veteran's preference certificate for like equipment, he shall honor such certificates in the order of their receipt by the dealer. When an order on a veteran's preference certificate is accepted by a dealer, the dealer shall, at any time before delivery of the equipment, notify the county agricultural conservation committee accordingly by filling in and returning the stub attached to the certificate; and the dealer may retain the certificate for his file.

(2) No dealer shall be required to honor a veteran's preference certificate if the veteran is unwilling or unable to meet the regularly established price and terms of sale or payment for the equipment described in the certificate. No dealer shall honor a veteran's preference certificate issued under this order for any item of farm machinery and equipment before filling an order for such item, properly supported by a War Production Board preference rating issued either to a farmer or a military agency as defined in L–257–c. If for any reason a dealer refuses to accept an order accompanied by a veteran's preference certificate, he shall, upon request furnish the veteran with a written statement of the reason or reasons for such refusal.

(e) *Cancellation of veteran's preference certificate.* (1) If a veteran to whom a veteran's preference certificate has been issued obtains the equipment described in the certificate without the use of the certificate, or if he obtains other equipment, either new or used, which will meet substantially the same need as the equipment described in the certificate, or if for any reason he finds that he will not need to use the certificate, he shall promptly return the certificate to his county agricultural conservation committee for cancellation, and he shall make no effort to obtain any preference under it.

(2) If, after the issuance of a veteran's preference certificate, the county agricultural conservation committee finds (i) that the person to whom the certificate was issued has misrepresented his circumstances in obtaining the certificate, or (ii) that the circumstances of such person have so changed that the equipment described in the certificate is no longer needed by such person, or (iii) that such certificate was issued by mistake, the county agricultural conservation committee may demand the return of such certificate, by the person to whom it was issued, for cancellation. Upon such demand such person shall so return the certificate and shall make no further effort to obtain any preference under it.

(f) *Appeals.* (1) Any veteran whose application for a veteran's preference certificate is denied by a county agricultural conservation committee may, within 30 days after such denial, appeal to the State AAA Committee. (In Alaska, Hawaii, Puerto Rico and the Virgin Islands, this appeal shall be a request for reconsideration by the farm rationing committee.) Such appeal shall be in writing and shall set forth all pertinent facts relating to the application. If the appeal is granted, the State AAA Committee may issue a veteran's preference certificate which shall be as effective as though issued by the county agricultural conservation committee. If the appeal is denied (or, in Alaska, Hawaii, Puerto Rico and the Virgin Islands, if the application is denied on reconsideration), the veteran may further appeal in writing to the Director within 30 days after such denial by the State AAA Committee, setting forth all pertinent facts with respect to the application. If this appeal is granted, the Director may issue a veteran's preference certificate which shall be as effective as though issued by the county agricultural conservation committee.

(2) Any dealer or other person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspectiton of the books, records and other writings, premises or stocks of new farm machinery and equipment, which is listed in War Production Board Order L–257–c, of any dealer, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(h) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any dealer, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Violations.* In accordance with the applicable procedure, any person who violates any provision of this order may be prohibited from receiving, making any deliveries of, or using any new farm machinery and equipment, which is listed in War Production Board Order L–257–c. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(k) *Territorial application of order.* This order shall apply to the forty-eight States and the District of Columbia of the United States, and to Alaska, Hawaii, Puerto Rico and the Virgin Islands.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued, be addressed to the Director, Office of Materials and Facilities, War Food Administration, Washington 25, D. C., Ref. WFO 135.

(m) This order shall become effective at 12:01 a. m., e. w. t., June 25, 1945.

NOTE: The reporting requirements of this order have been approved by, and subsequent record keeping and reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R.

3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 21st day of June 1945.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 45-10915; Filed, June 21, 1945; 11:06 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 15-17]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE

Pursuant to the authority vested in me by War Food Order No. 15, as amended (8 F.R. 1704, 5698; 9 F.R. 2072, 4321, 4319, 9584; 10 F.R. 103), and in order to effectuate the purposes of such order, as amended, it is hereby ordered as follows:

§ 1401.199 *Percentage of Cheddar cheese to be set aside in July 1945*—(a) *Definitions.* Each term defined in War Food Order No. 15, as amended, shall, when used herein, have the same meaning as set forth for such term in War Food Order No. 15, as amended.

(b) *Percentage.* Each person who is required by War Food Order No. 15, as amended, to set aside Cheddar cheese during July 1945 shall set aside, in said month, a quantity of Cheddar cheese equal at least to 65 percent of all Cheddar cheese produced by him in that month.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., July 1, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 15, as amended, 8 F.R. 1704, 5698; 9 F.R. 2072, 4321, 4319, 9584; 10 F.R. 103)

Issued this 20th day of June 1945.

C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-10856; Filed, June 20, 1945; 3:51 p. m.]

[WFO 22-8, Amdt. 1]

PART 1425—CANNED AND PROCESSED FOODS

CANNED FRUITS, AND CANNED FRUIT JUICES, REQUIRED TO BE SET ASIDE DURING 1945

War Food Order No. 22-8 (10 F.R. 1257) is hereby amended by deleting from Table I attached thereto the entire line beginning with "Cherries R. S. P."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., June 20, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 22-8 prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 22-8 in effect prior to the effective time of the provisions hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 22, as amended, 8 F.R. 2243, 6397; 9 F.R. 4321, 4319, 9584; 10 F.R. 103)

Issued this 18th day of June 1945.

C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-10805; Filed, June 19, 1945; 12:13 p. m.]

[WFO 134]

PART 1460—FATS AND OILS

GLYCERINE INVENTORIES

The fulfillment of the requirements for the defense of the United States has resulted in a shortage in the supply of glycerine for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.46 *Restrictions on inventories of glycerine*—(a) *Definitions.* (1) "Glycerine" means any and all concentrations of glycerol, from whatever source derived and whether crude or refined.

(2) "Refiner" means any person who refines glycerine.

(3) "Distributor" means any person, other than a refiner, who acquires glycerine for resale.

(4) "User" means any person who uses glycerine in the manufacture of any other product regardless of whether glycerine is incorporated into such other product.

(5) "Inventory" means the total quantity of glycerine, wherever located, owned by any person, excluding glycerine produced by such person.

(6) "Current rate of consumption", as determined on any particular date, means the amount of glycerine used during the 30-day period immediately prior to such date, or the amount of glycerine scheduled for use during the 30-day period immediately following such date.

(7) "Maximum unit" means the largest, single, segregate, commercial quantity of glycerine shipped to and accepted by any person during the calendar year 1944.

(8) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(9) "Director" means the Director of Marketing Services, War Food Administration.

(b) *Inventory restrictions.* (1) No distributor shall accept delivery of glycerine in any quantity which will cause his inventory to exceed 20 days' supply based upon his deliveries during the preceding 20 days.

(2) No user shall accept delivery of glycerine in any quantity which will cause his inventory to exceed 30 days' supply based upon his current rate of consumption.

(c) *Inventory exemption; maximum units.* Subject to the requirements of paragraph (d) of this order, any user or distributor whose inventory does not exceed two-thirds of the quantity which he is permitted to have under the applicable provision of paragraph (b) hereof may accept delivery of not more than one maximum unit, provided that such acceptance shall not cause his inventory to exceed twice the quantity which he is permitted to have under the applicable provision of paragraph (b).

(d) *Inventory certificates.* No person shall deliver and no user or distributor shall accept delivery of more than 50 pounds of glycerine in any calendar month unless such user or distributor executes and furnishes to his supplier a certificate in the following form:

The undersigned hereby certifies to the War Food Administration and to _____
Name and
_____ that he is familiar with address of supplier
the terms of War Food Order No. 134, that this certificate is furnished in order to enable the undersigned to acquire _____ pounds of glycerine, to be delivered on or about _____, and that the receipt by him of such glycerine will not increase his inventory beyond the amount permitted under War Food Order No. 134.

_____
Purchaser

By _____
Authorized official

_____
Date

(e) *Records and reports.* (1) All certificates executed under this order shall be retained for at least two years and shall, upon request, be submitted to the Director for examination. All statements contained in such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(2) Every person who uses more than 1,150 pounds of glycerine in any calendar month shall execute and mail to the Bureau of the Census, Washington 25, D. C., on or before the 15th day of the following month, Bureau of the Census Form BM-1. This provision shall not be construed as requiring any person to file more than one Form BM-1 for any calendar month.

(3) The Director shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) Every person subject to this order shall, for at least two years, or for such other period of time as the Director may designate, maintain an accurate record of his production of and transactions in glycerine.

(f) *Existing contracts.* The restrictions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(g) *Audits and inspections.* The Director shall be entitled to make such audits or inspections of the books, records and other writings, premises, or stocks of glycerine of any person, and to make

such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(i) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using glycerine. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 134, Fats and Oils Branch, Office of Marketing Services, War Food Administration, Washington 25, D. C.

(l) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(m) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., June 21, 1945.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 20th day of June 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-10857; Filed, June 20, 1945; 3:51 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amdt. 60-1]

PART 60—AIR TRAFFIC RULES

POSTPONEMENT OF EFFECTIVE DATE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 19th day of June 1945.

Effective June 19, 1945, Part 60 of the Civil Air Regulations is amended by postponing the effective date from July 1, 1945, to August 1, 1945.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-10906; Filed, June 21, 1945; 10:52 a. m.]

[Regs., Serial No. 338]

UNITED AIR LINES, INC.

NONCOMPLIANCE WITH ROUTE REQUIREMENTS FOR FIRST PILOTS

Noncompliance with the requirements of § 61.5130 of the Civil Air Regulations with respect to United Air Lines, Inc., operations at Philadelphia, Pennsylvania.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 19th day of June 1945.

The following Special Civil Air Regulation is made and promulgated to become effective June 19, 1945:

Any first pilot listed in the United Air Lines, Inc., air carrier operating certificate on June 1, 1945, as qualified over the approved route between Cleveland and New York will be deemed competent to pilot aircraft in scheduled air carrier operation over the route between Philipsburg, Pennsylvania, and Philadelphia, Pennsylvania, and between Philadelphia, Pennsylvania, and New York, N. Y., if he has made such landings and simulated instrument approaches at Philadelphia, Pennsylvania, as the Administrator may require to demonstrate his familiarity with procedures prescribed for operations at the Philadelphia airport.

This regulation shall terminate October 1, 1945.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-10905; Filed, June 21, 1945; 10:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5459]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INCOME IN RESPECT TO A DECEDENT

Section 29.126-1 of Regulations 111 (26 CFR, Cum. Supp., Part 29), as amended by Treasury Decision 5389, approved July 10, 1944, is further amended as follows:

(A) By striking the last sentence of the first paragraph.

(B) By striking the fifth sentence of the fourth paragraph, which reads as follows: "Upon his death, the payments by the surviving partners must be included in the widow's income to the extent they exceed the adjusted basis of such assets in the hands of the decedent immediately prior to his death." and by inserting in lieu thereof the following: "Upon his death, the payments by the surviving partners must be included in the widow's income to the extent they are attributable to the earnings of the partnership accrued only by reason of his death."

(C) By striking at the beginning of the sixth sentence of the fourth paragraph the words "This gain" and by inserting in lieu thereof the following: "The income reflected by the payments to the extent they are so attributable".

(D) By striking at the end of the fourth paragraph the words "represent the gain on the sale." and by inserting in lieu thereof the following: "are attributable to the earnings of the partnership accrued only by reason of the death."

(E) By inserting immediately after the fourth paragraph the following:

Example. Suppose that A and the decedent B were equal partners in a business possessed of tangible assets having a present value considerably in excess of cost; suppose that certain current partnership business was well advanced toward completion prior to the death of B; and suppose that the partnership agreement provided that, upon the death of one of the partners, all partnership assets, including unfinished business, should pass to the surviving partner, and that the surviving partner should make certain payments to the estate of the decedent. To the extent that the payments by A to the estate of B are attributable to B's interest in the previously earned proportion of the unfinised partnership business transactions, their receipt by the estate of B will reflect the realization of income. With respect to such portion of the payments by A as is attributable to B's interest in the tangible assets of the partnership which had appreciated in value, no gain to the estate of B will be recognized.

If some portion of the payments by A is attributable to a sale of B's interest in partnership assets consummated by B prior to his death, however, the gain to the estate of B reflected in such payments will be recognized regardless of the character of the asset sold, and regardless of whether or not payment was due on a day which must occur after B's death.

(Secs. 62 and 126 of the Internal Revenue Code (53 Stat. 32, 56 Stat. 831; 26 U.S.C. and Sup., 62, 126))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: June 18, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-10848; Filed, June 20, 1945; 2:06 p. m.]

[T. D. 5460]

PART 9—INCOME TAX UNDER THE REVENUE ACT OF 1938

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CREDIT FOR RETIREMENT OF INDEBTEDNESS

Deficit credit and credit or deduction for amounts used or irrevocably set aside to pay or retire indebtedness. Sections 29.27 (a)–1, 29.27 (a)–2, 29.27 (a)–3 and 29.504–2 of Regulations 111; § 19.27 (a)–3 of Regulations 103; and article 27 (a)–3 of Regulations 101 amended.

Regulations 111 (26 CFR, Cum. Supp., Part 29), Regulations 103 (26 CFR, 1940 Supp., Part 19), and Regulations 101 (26 CFR, 1938 Supp., Part 9) are amended as follows:

Regulations 111

PARAGRAPH 1. Paragraphs (3) and (4) of section 27 (a) of the Internal Revenue Code, inserted immediately preceding § 29.27 (a)–1, are stricken and there is inserted in lieu thereof the following:

[Paragraphs (3) and (4) of section 27 (a) have no application to taxable years beginning after December 31, 1941.]

PAR. 2. Section 29.27 (a)–1 is amended to read as follows:

§ 29.27 (a)–1 *Dividends paid credit.* The amount of the dividends paid credit provided by section 27 (a) is an amount equivalent to the sum of the following:

(a) The basic surtax credit for the taxable year. For computation of the basic surtax credit see section 27 (b).

(b) The dividend carry-over to the taxable year. For computation of the dividend carry-over see section 27 (c).

The deficit credit provided by section 27 (a) (3) and the credit for amounts used or irrevocably set aside to pay or to retire indebtedness as provided in section 27 (a) (4) have no application to taxable years beginning after December 31, 1941, covered by this part.

PAR. 3. Section 29.27 (a)–2 and § 29.27 (a)–3 are stricken in their entirety from this part.

PAR. 4. Section 29.504–2 is amended as follows:

(A) By striking out the third sentence of the second paragraph of paragraph (a) and inserting in lieu thereof the following: "In the case of refunding, renewal or other change in the form of an indebtedness, the giving of a new promise to pay by the taxpayer will not have the effect of changing the date the indebtedness was incurred."

(B) By striking out the third sentence of paragraph (b) and inserting in lieu thereof the following: "In the case of refunding, renewal or other change in the form of an indebtedness, the mere giving of a new promise to pay by the taxpayer will not result in an allowable deduction."

PAR. 5. The amendment to paragraphs (a) and (b) of § 29.504–2 of Regulations 111 set forth in this Treasury decision, which regulations cover taxable years beginning after December 31, 1941, are hereby made applicable to taxable years beginning after December 31, 1933 and prior to January 1, 1942, such years being covered by Regulations 103, 101, 94, and 86.

Regulations 103 and 101

PAR. 6. Section 19.27 (a)–3 of Regulations 103 and article 27 (a)–3 of Regulations 101, each as amended by Treasury Decision 5259, approved April 14, 1943, are further amended as follows:

(A) By striking out the second, third, fourth, and fifth sentences of the first paragraph of paragraph (a) and inserting in lieu thereof the following: "If the indebtedness was so evidenced at the close of business on December 31, 1937, it is still an indebtedness within the meaning of section 27 (a) (4) though, prior to the time payment is made or amounts are irrevocably set aside, it has been renewed or refunded. Such renewal or refunding need not be evidenced by one of the types of instruments enumerated in section 27 (a) (4): *Provided,* That the indebtedness as existing at the close of business on December 31, 1937 was so evidenced. An indebtedness once renewed or refunded may be again renewed or refunded without depriving the corporation of the benefits of section 27 (a) (4)."

(B) By striking out the third sentence of paragraph (b) and inserting in lieu thereof the following: "The issuance of a renewal or refunding obligation will, therefore, not result in an allowable credit."

(Secs. 27, 62, and 504 of the Internal Revenue Code and corresponding sections of prior internal revenue laws (53 Stat. 19, 32, 107; 26 U.S.C., 1940 ed., 27, 62, 504))

[SEAL] JOSEPH D. NUNAN,
Commissioner of Internal Revenue.

Approved: June 19, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45–10858; Filed, June 20, 1945; 4:01 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–817]

STEEL MANUFACTURING AND WAREHOUSE CO.

Steel Manufacturing and Warehouse Company is a Missouri corporation with its place of business at 1449 Genessee Street, Kansas City, Missouri. It is engaged in the business of a steel warehouse. During the fourth quarter of 1943 and the first and second quarters of 1944 it placed orders for a total of 418 tons of carbon steel sheets and strip, hot rolled, being in Product Group 11 under the provisions of M–21–b–1 in excess of its quotas for such quarters. Between January 10, 1944, and June 30, 1944, it sold to one customer on orders rated AA–1 MRO and AA–5 MRO 334.897 tons of hot rolled carbon steel sheets. Such orders were not authorized controlled materials orders and the sale of such material was in violation of Controlled Materials Plan Regulation 4. Steel manufacturing and Warehouse Company was familiar with the applicable orders. The foregoing violations were wilful and have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.817 *Suspension Order No. S–817.* (a) Upon the issuance of this order Steel Manufacturing and Warehouse Company shall deduct 118 net tons from its unused replaceable tonnage in its tonnage account as computed under the provisions of M–21–b–3 or any applicable order or direction then in effect. In the event the unused replaceable tonnage in its tonnage account is less than 118 tons then the subsequent deliveries from stock shall not be used for stock replacement or any other orders until the total of 118 tons has been deducted from its unused replaceable tonnage.

(b) On the first day of the third quarter of 1945 Steel Manufacturing and Warehouse Company shall deduct 150 net tons from its unused replaceable tonnage in its tonnage account as computed under the provisions of M–21–b–3 or any applicable order or direction then in effect. In the event the unused replaceable tonnage in its tonnage account on that date is less than 150 tons then the subsequent deliveries of carbon steel sheets, hot rolled in the third quarter of 1945 shall not be used for stock replacement or any other orders until the total of 150 tons has been deducted from its unused replaceable tonnage.

(c) On the first day of the fourth quarter of 1945 Steel Manufacturing and Warehouse Company shall deduct 150 net tons from its unused replaceable tonnage of carbon steel sheets, hot rolled, in its tonnage account for carbon steel sheets, hot rolled, as computed under Direction 1 to M–21–b–1 or any other applicable order or direction then in effect. In the event that the unused replaceable tonnage of carbon steel sheets, hot rolled, in its tonnage account for carbon steel sheets, hot rolled, on that date is less than 150 tons then the subsequent deliveries of carbon steel sheets, hot rolled, shall not be used for stock replacement or any other orders until a total of 150 tons has been deducted from its unused replaceable tonnage of carbon steel sheets, hot rolled, in the fourth quarter of 1945.

(d) The restrictions and prohibitions contained herein shall apply to Steel Manufacturing and Warehouse Company, a corporation, its successors and assigns or persons acting on its behalf. Prohibitions against the taking of any

action include the taking indirectly as well as directly of any such action.

(e) Nothing contained in this order shall be deemed to relieve Steel Manufacturing and Warehouse Company from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-10867; Filed, June 20, 1945; 4:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-819]

SEABOARD ENVELOPE CO.

"Seaboard Envelope Company" is a trade name under which business is conducted by a partnership consisting of C. F. Niedringhaus, E. G. Niedringhaus, W. W. Niedringhaus, and C. W. Niedringhaus. The Seaboard Envelope Company is in the business of manufacturing envelopes at Los Angeles, California. During the period from January 1, 1944 to and including September 30, 1944, the Seaboard Envelope Company consumed 40.90 tons of paper in excess of quota in violation of War Production Board Conservation Order M-241-a.

This excessive use of paper has diverted scarce material to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.819 *Suspension Order No. S-819.* (a) C. F. Niedringhaus, E. G. Niedringhaus, W. W. Niedringhaus, and C. W. Niedringhaus, unless otherwise specifically authorized in writing by the War Production Board, shall reduce their consumption of paper during each of the third and fourth quarters of 1945, and during each of the first and second quarters of 1946 by ten tons per quarter under the quota they would otherwise be entitled to consume during each of these quarters as specified by the provisions of Conservation Order M-241-a.

(b) Nothing contained in this order shall be deemed to relieve C. F. Niedringhaus, E. G. Niedringhaus, W. W. Niedringhaus, and C. W. Niedringhaus from any restrictions, prohibitions or provisions contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to C. F. Niedringhaus, E. G. Niedringhaus, W. W. Niedringhaus and C. W. Niedringhaus, doing business as Standard Envelope Company or under any other name, their or its successors and assigns, or persons acting on their behalf.

Issued this 20th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-10868; Filed, June 20, 1945; 4:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-820]

TILLMAN HEDGES

Tillman Hedges, of Duncan, Oklahoma, on or about November 4, 1944 began construction of a two story brick veneer residence structure in Duncan, Oklahoma at a cost in excess of the limitation on construction contained in and in violation of Conservation Order L-41. The violation was occasioned by gross negligence on the part of Hedges.

This violation of said Conservation Order L-41 has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.820 *Suspension Order No. S-820.* (a) Neither Tillman Hedges, of Duncan, Oklahoma, his successors or assigns, nor any other person, shall do any construction on the two story brick veneer residence structure located at 704 North Eleventh Street, Duncan, Oklahoma, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Tillman Hedges, his successors or assigns, from any restrictions, prohibitions or provisions contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-10869; Filed, June 20, 1945; 4:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-826]

JACK BAYTARIAN

Jack Baytarian, of 197 South Saginaw Street, Pontiac, Michigan, during August and September of 1944, and thereafter, without permission of the War Production Board, did construction of a garage at 197 South Saginaw Street, Pontiac, Michigan, at an estimated cost in excess of the limitation on construction contained in Conservation Order L-41. Jack Baytarian was aware of Conservation Order L-41, and his beginning and carrying on of this construction constituted a willful violation of that order.

This violation has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.826 *Suspension Order No. S-826.* (a) Neither Jack Baytarian, his successors or assigns, nor any other person, shall do any construction on the premises at 197 South Saginaw Street, Pontiac, Michigan, including putting up, altering or finishing the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Jack Baytarian, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-10870; Filed, June 20, 1945; 4:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-827]

COLON VADEN WHITLEY

Colon Vaden Whitley is a merchant-farmer residing at Gannon Avenue in Zebulon, North Carolina. In October 1944, without the permission of the War Production Board he began and thereafter carried on the construction of a barn located at the rear of his residence on Gannon Avenue to the extent of $3,000, which amount exceeded the limit permitted by Conservation Order L-41 for such construction. Colon Vaden Whitley was aware of the provisions of Conservation Order L-41 and carrying on of this construction without authorization constituted a wilful violation of that order. This violation has diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.827 *Suspension Order No. S-827.* (a) Neither Colon Vaden Whitley, his successors or assigns, nor any other person shall do any construction on the farm building located approximately 150 yards in the rear of his residence on Gannon Avenue in Zebulon, North Carolina, including putting up or altering of the structure unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Colon Vaden Whitley, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-10871; Filed, June 20, 1945; 4:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-828]

KIMEL SHOE CO.

Kimel Shoe Company is a partnership composed of Morris E. Kimel, Harry Moss, and Stanley Kimel engaged in the business of manufacturing shoes in Los Angeles, California. During the period beginning March 1, 1944 and ending August 31, 1944, the Kimel Shoe Company

manufactured 6,641 pairs of women's and growing girls' shoes at the price range of $4.25 to $4.60 in violation of War Production Board Conservation Order M–217.

This excessive production of shoes has consumed scarce materials to an extent not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.828 *Suspension Order No. S–828.* (a) Morris E. Kimel, Harry Moss, and Stanley Kimel, whether doing business as Kimel Shoe Company or otherwise, their successors or assigns, unless otherwise specifically authorized in writing by the War Production Board, shall reduce their production of women's and growing girls' shoes in the $4.25 to $4.60 price line, 3,320 pairs below their allowable quota in each of the six months' periods beginning March 1, 1945 and September 1, 1945.

(b) Nothing contained in this order shall be deemed to relieve Morris E. Kimel, Harry Moss, and Stanley Kimel, whether doing business as Kimel Shoe Company or otherwise, their successors or assigns from any restrictions, prohibitions, or provisions contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–10872; Filed, June 20, 1945; 4:25 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 27 as Amended June 21, 1945]

PRIORITIES ASSISTANCE FOR MANUFACTURERS WHO NEED SMALL AMOUNTS OF MATERIALS

§ 944.48 *Priorities Regulation 27*—(a) *What this regulation does.* The purpose of this regulation is to eliminate paper work on applications for priorities assistance in getting relatively small amounts of production materials during the first few months after victory in Europe. For this purpose, this regulation gives to manufacturers who need small amounts of production materials a rating of AA–4 and the right to place controlled material orders under CMP for steel, copper and aluminum.

(b) *Who may operate under this regulation.* You may use the procedure described in this regulation on orders calling for delivery of controlled materials between June 21, 1945, and December 31, 1945, and on orders calling for delivery of other production materials between May 10, 1945, and December 31, 1945, but in each case only if you satisfy both of these conditions: (1) you are or will be engaged primarily in manufacture within the United States, its territories or possessions, and (2) your total production is not expected to be more than $50,000 worth of all products manufactured by you in any calendar quarter in which you use materials purchased under this regulation. In determining whether you come within the $50,000 limit you must use your sales price of all your products and also the value of any manufacturing services performed by you for others. For example, if you will produce $40,000 worth of your own products in the third quarter of 1945, and will do $15,000 worth of machining work for another manufacturer in the same quarter, your total production will be $55,000 and you are not eligible to receive any materials under this regulation for use in that quarter. This regulation applies to persons starting new manufacturing businesses as well as those already in business. It does not apply to repairmen or persons engaged in service trades or persons engaged primarily in the distribution of materials and products, such as jobbers, wholesalers and retailers. This regulation may not be used by branches, divisions or subsidiaries of companies unless the production of the entire enterprise is within the above limits. It may not be used by any person to get material from a retail store.

(c) *How a manufacturer may order production materials under this regulation.* If you qualify under this regulation as explained in paragraph (b) above, you may rate your purchase orders calling for delivery of production materials during the periods specified in paragraph (b) by placing on your orders a certificate in substantially the following form, signed manually or as provided in Priorities Regulation 7:

> CMP allotment symbol Z–3; Preference rating AA–4. The undersigned certifies subject to criminal penalties for misrepresentation (1) that his total production is not expected to be more than $50,000 worth of all products manufactured by him in any calendar quarter in which he uses materials covered by this purchase order, and (2) that he is entitled to use this certification under Priorities Regulation 27.

An order for controlled materials bearing this signed certification is an authorized controlled material order under all CMP regulations. As in other cases where the allotment symbol begins with the letter "Z," authorized controlled material orders placed under this regulation must be accepted by suppliers but only if they do not interfere with regular authorized controlled material orders. This is explained in Direction 54 to CMP Regulation 1. The standard certification of Priorities Regulation 7 may not be used in place of the above certification.

(d) *What materials may be bought under this regulation.* The procedure described in this regulation may be used only to get "production materials", which means material or products (including fabricated parts and sub-assemblies) which will be physically incorporated into your product. The term includes the portion of such material normally consumed or converted into scrap in the course of processing. It also includes items purchased by a manufacturer for resale to round out his line if such items do not represent more than 10% of his total sales. It does not include any of the following:

Items purchased as manufacturing equipment.

Items purchased for maintenance, repair or operating supplies, as defined in CMP Regulation 5.

Paper and paperboard governed by Orders M–241 and M–378.

Containers and closures to pack your product, except as permitted in orders P–140, P–146 and P–152.

(e) *Use of other priorities assistance.* You may use the procedure described in this regulation even if you have been given other ratings or allotments by the WPB. However, all of your production, including rated and unrated, war and civilian, must be included in determining whether you come within the $50,000 limit explained above.

(f) *Special procedures for use of allotment symbol Z–3 by manufacturers of Class A products.* A manufacturer of Class A products who receives an order bearing the certification described in paragraph (c) above may use the allotment symbol Z–3 to place an authorized controlled materials order, and may also get Class A products needed for incorporation into the products covered by his customer's order by placing on his purchase order the following statement in addition to the certification required by Priorities Regulation 7:

> You are hereby authorized to use the allotment symbol Z–3 to order controlled materials and Class A products needed to fill this contract or order.

The standard form of certifications described in Priorities Regulation 7 may not be used instead of the above statement. Any manufacturer of Class A products who receives this statement on an order from a customer may place authorized controlled material orders by use of the symbol Z–3 and may use this statement in addition to the standard certification of Priorities Regulation 7 on his purchase orders for Class A products needed for incorporation into the products covered by his customer's order. Any purchase order for controlled materials placed in accordance with this paragraph is an authorized controlled material order under all CMP Regulations, and is governed by Direction 54 to CMP Regulation 1, applicable to all orders bearing the "Z" symbol.

(g) *Effect of other orders and regulations.* (1) This regulation is not an exception from any other orders or regulations of the WPB as to the validity or effect of ratings or authorized controlled material orders. For example, the procedure described in this regulation may not be used to buy items appearing on List A of Priorities Regulation 3, which states that ratings are invalid for these items, or to buy any textiles, clothing, leather or other items listed in Schedule A of Order M–328, which gives special rules for rating such items. Several WPB orders require special applications for certain materials and products; these must still be complied with.

(2) Persons who operate under this regulation must comply with all applicable WPB orders and regulations which

prohibit or restrict (by quotas or otherwise) the manufacture of products, the use of materials, and the purchase and sale of commodities.

(3) This regulation does not permit you to purchase material for inventory contrary to the inventory restrictions of Priorities Regulation 1, CMP Regulation 2 or other applicable orders and regulations.

(h) *Violations.* Any person who furnishes a false certification under this regulation is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 21st day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-10914; Filed, June 21, 1945; 11:04 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-553, Revocation]

REMINGTON RAND, INC.

Suspension Order No. S-553 was issued May 16, 1944, effective May 18, 1944, against Remington Rand, Inc., Bridgeport, Connecticut, for violation of Limitation Order L-65. In view of the fact that Limitation Order L-65 was revoked on June 16, 1945, the Chief Compliance Commissioner has directed that Suspension Order No. S-553 be revoked forthwith.

In view of the foregoing, it is hereby ordered, that: § 1010.553 *Suspension Order No. S-553* be revoked, effective June 20, 1945.

Issued this 20th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN.
Recording Secretary.

[F. R. Doc. 45-10832; Filed, June 20, 1945; 11:05 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-695, Revocation]

SCHICK, INC. AND SCHICK SERVICE INC.

Suspension Order No. S-695 was issued January 20, 1945, effective January 27, 1945, against Schick, Inc., Stamford, Connecticut, for violation of Limitation Order L-65. In view of the fact that Limitation Order L-65 was revoked on June 16, 1945, the Chief Compliance Commissioner has directed that Suspension Order No. S-695 be revoked forthwith.

In view of the foregoing, it is hereby ordered, that: § 1010.695 *Suspension Order No. S-695* be revoked, effective June 20, 1945.

Issued this 20th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN.
Recording Secretary.

[F. R. Doc. 45-10833; Filed, June 20, 1945; 11:05 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-786, Stay of Execution]

HEARST PUBLICATIONS, INC.

Hearst Publications, Inc., a corporation, one department of which publishes the Los Angeles Examiner, a morning newspaper published daily and Sunday at Los Angeles, California, having its principal place of business located at 1111 South Broadway, Los Angeles, California has appealed from the provisions of Suspension Order No. S-786 and has requested a stay. The Chief Compliance Commissioner has directed that the suspension order be stayed, except insofar as paragraph (a) is concerned, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy. In view of the foregoing, it is hereby ordered, That: § 1010.786 *Suspension Order No. S-786* be stayed, pending final determination of the appeal, or until further order by the Chief Compliance Commissioner or his Deputy, except insofar as paragraph (a) is concerned.

Issued this 20th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R .Doc. 45-10834; Filed, June 20, 1945; 11:06 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-788, Stay of Execution]

TRIBUNE PUBLISHING CO.

The Tribune Publishing Company, a corporation located in Tacoma, Washington, has appealed from the provisions of Suspension Order No. S-788, issued May 19, 1945 (§ 1010.788) and has requested a stay. The Chief Compliance Commissioner has directed that the provisions of the suspension order be stayed, subject to reinstatement, pending final determination of the appeal, or until further order by the Chief Compliance Commissioner. In view of the foregoing, it is hereby ordered, that, the provisions of *Suspension Order No. S-788*, issued May 19, 1945, are hereby stayed, subject to reinstatement, pending final determination of the appeal, or until further order by the Chief Compliance Commissioner or his Deputy.

Issued this 20th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-10835; Filed, June 20, 1945; 11:05 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Amdt. 1 to Direction 14]

PRODUCTION OF HEAVY WEIGHT KNIT UNDERWEAR IN THE THIRD QUARTER OF 1945

Direction 14 to M-328 is hereby amended in the following respects:

Insert a new paragraph (e) to read as follows:

(e) Each person covered by this direction may immediately apply an AA-3 rating to get up to 33⅓% of the yarn he needs to make the heavy weight knit underwear required under this direction. This rating must be applied in the manner provided in Priorities Regulations 1 and 3. The following certification must be placed on all orders on which the rating is used:

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

This rating is assigned by Direction 14 to Order M-328.

(Name of Purchaser)

(Address)

By ---
(Signature of Duly Authorized Officer)

(Date)

The standard certification provided by Priorities Regulation No. 7 may not be used instead.

Insert new paragraph (f) to read as follows:

(f) It is expected that Order M-328B will be amended with new Schedules before July 1, 1945 to explain how persons covered by this direction may obtain preference ratings for all the yarn they need.

Re-letter present paragraph (e) to paragraph (g).

Issued this 21st day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-10913; Filed, June 21, 1945; 11:04 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271,[1] Amdt. 39]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In section 26 (f) the item reading "June 16 through June 20, $2.50," is amended to read "June 16 through July 15, $2.50."

This amendment shall become effective at 12:01 a. m. June 19, 1945.

Issued this 18th day of June 1945.

IVAN D. CARSON,
Acting Administrator.

Approved June 16, 1945.

GROVER B. HILL,
First Assistant,
War Food Administration.

[F. R. Doc. 45-10734; Filed, June 18, 1945; 5:14 p. m.]

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[1] 8 F.R. 15587, 15663; 9 F.R. 2298, 3589, 4027, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356, 9783, 10089, 10199, 10981, 10778, 12270, 12475, 13262; 10 F.R. 1334, 2243, 2969, 3764, 4035, 4154, 4347, 4600, 5457, 6589.

PART 1381—SOFTWOOD LUMBER

[RMPR 26,[1] Amdt. 15]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (d) of section 5 is amended as follows:

a. In subparagraph (1) the words "effective April 25, 1945" are deleted.

b. In subparagraphs (1) and (4) the words "as amended June 18 1945" are added after the words "Order L–335."

This amendment shall become effective June 18, 1945.

Issued this 18th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–10731; Filed, June 18, 1945; 5:11 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 114]

ADJUSTABLE PRICING OF CERTAIN COTTON TEXTILES

A statement of the reasons involved in the issuance of this supplementary order has been issued simultaneously herewith and filed with the Division of the Federal Register.

§ 1305.142 *Adjustable pricing of certain cotton textiles*—(a) *General explanation.* This supplementary order permits producers, if they meet specified conditions, to sell certain cotton textiles on an adjustable pricing basis. Some of these textile items may also be sold on that basis by wholesalers who meet specified conditions. Other sellers, whether of these items or of commodities made from them, are not granted adjustable pricing permission even though their ceilings are determined by a formula of the cost-plus type. This order provides, moreover, that ceilings of all sellers shall remain unchanged unless and until an increase is authorized by the Office of Price Administration. Thus, this supplementary order supplements the regulations establishing wholesalers' ceilings for some of the items, as well as all regulations establishing ceilings for other sellers of these commodities and of commodities made from them.

(b) *When a producer may use the adjustable pricing permission.* (1) A producer may use the adjustable pricing permission granted by this order if he (i) certifies or has certified to the Office of Price Administration, Washington 25, D. C., that he is "subject to" the "1945 textile wage increase", and (ii) complies with paragraph (c) (3) below.

(2) A producer is "subject to" the March 1945 textile wage increase if he is paying that increase, or has applied to the National War Labor Board for permission to pay that increase, or is a party to a dispute case before the War Labor Board involving the issue of whether he will pay that increase. The "1945 textile wage increase" means: (i) a minimum wage of 55¢ per hour for all workers except learners and handicapped; (ii) a flat increase of 5¢ per hour to all workers in occupations whose wage rates prior to March 1, 1945, exceeded 50¢ per hour; (iii) a premium of 5¢ per hour for all hours worked on the third shift; and (iv) a minimum of one week's paid vacation per year.

(c) *Adjustable pricing for producers.* (1) Any producer who meets the requirements of paragraph (b) (1) may, in connection with any contracts (and deliveries pursuant to such contracts) for the sale of one or more of the commodities listed below, reserve the right to charge the difference, if any, but not to exceed a 4% increase, between the maximum price for that commodity in effect on June 1, 1945, and any higher maximum price which may thereafter be established.

(2) The commodities referred to in subparagraph (1) above are:

(i) The following commodities covered by Maximum Price Regulation No. 118:

Ducks and paper makers dryer felts
Flannels
Gauze diapers
Flannelette diapers
Bleached cheesecloth, bleached sanitary napkin gauze and bunting
Wide print cloths
Terry products
Huck and crash towels, towelling, and corded napkins

(ii) The following commodities covered by Revised Price Schedule No. 35:

Print cloth yarn fabrics
Denims
3.60 yd. sanforized chambray

(iii) Carded yarns covered by Maximum Price Regulation No. 33.

(iv) The following commodities covered by the General Maximum Price Regulation:

Industrial cotton stitching thread
Cotton tire cord and cotton tire cord fabric

(3) Any producer who seeks to exercise the adjustable pricing permission provided for in this paragraph (c) must, in connection with each contract of sale, deliver to the purchaser the following statement in writing:

For as long as permitted by OPA _____ (name of the seller) reserves the right to charge the buyer for any goods delivered pursuant to this contract the difference, if any, between the ceiling price in effect on June 1, 1945 and any higher ceiling price which may thereafter be established: *Provided*, That the additional charge will in no event exceed 4 per cent of the ceiling price in effect on June 1, 1945. The seller is required by OPA to inform the buyer that the buyer must disregard the foregoing adjustable pricing clause and any additional charge made pursuant to it in determining his ceiling price for the resale of the goods purchased under the present contract or for the sale of any commodities processed or manufactured from these goods, unless and until specifically authorized otherwise by OPA.

(4) The permission granted in this paragraph (c) shall not apply to deliveries against contracts made prior to June 21, 1945 or to the date of the certification required in paragraph (b), whichever is later. It shall remain in effect with respect to each designated commodity only until the date a revised maximum price of general applicability is first hereafter established for the commodity or the reference to the commodity is revoked, whichever is earlier.

(d) *Adjustable pricing for wholesalers.* (1) A wholesaler whose sale of the commodity is governed by section 2.7 of Supplementary Regulation 14E may price that commodity on an adjustable basis as provided in subparagraph (2) of this paragraph if an increase of 4 percent in his supplier's maximum price for that commodity would reduce his markup below the minimum specified in section 2.7 (e) of Supplementary Regulation 14E.

(2) In reselling a commodity purchased by him on an adjustable pricing basis authorized to his supplier by this supplementary order, a wholesaler whose maximum price for that commodity is established by section 2.7 of Supplementary Regulation 14E may reserve the right to charge the difference, if any, between his ceiling price in effect on June 1, 1945 and any adjusted ceiling price which he may be authorized to charge in the future: *Provided*, That the amount which the seller may collect shall not exceed the amount by which his supplier's adjusted price reduces his markup on that price below the minimum markup specified in section 2.7 (e) of Supplementary Regulation 14E.

(3) Any seller at wholesale who seeks to exercise the permission granted by this paragraph (d) must, in connection with each sale deliver to the purchaser the following statement in writing:

_____, the seller, reserves the right to charge the buyer, for any goods delivered pursuant to this sale the difference, if any, between his ceiling price and any adjusted ceiling price which he may be authorized to charge in the future: *Provided*, That the amount which the seller may collect shall not exceed 4% of the contract price. The seller is required by OPA to inform the buyer that the buyer must disregard the foregoing adjustable pricing clause, and any additional charge made pursuant to it, in determining his ceiling price for the resale of the goods purchased under the present contract or for the sale of any commodities processed or manufactured from these goods, unless and until specifically authorized otherwise by OPA.

(e) Except as provided in paragraph (d) above, a purchaser who buys goods under a contract containing an adjustable pricing clause authorized by this order shall disregard that clause, and any additional charge made pursuant to it, in determining his ceiling price for resale of the goods so purchased or for the sale of any commodities processed or manufactured from those goods, unless and until specifically authorized otherwise by the Office of Price Administration.

(f) No person is authorized to collect an amount in excess of the ceiling in effect on June 1, 1945 for any of the goods covered by this supplementary order unless prior to the revocation of the adjustable pricing permission with respect to such goods a higher ceiling price for them has been established.

[1] 9 F.R. 1016, 3513, 4227, 7505, 9720, 11112, 12537; 10 F.R. 4661, 5099, 5323.

This Supplementary Order No. 114 shall become effective June 21, 1945.

NOTE: The reporting requirements of this supplementary order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10928; Filed, June 21, 1945; 11:47 a. m.]

PART 1306—IRON AND STEEL

[RMPR 310]

REUSABLE IRON AND STEEL PRODUCTS

Maximum Price Regulation 310 is redesignated Revised Maximum Price Regulation 310 and is revised and amended to read as set forth herein.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

ARTICLE I—SCOPE OF THE REGULATION

Sec.

AUTHORITY: § 1306.551 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Prohibition against dealing in reusable iron and steel products at prices above the maximum.* On and after the 26th day of June 1945, regardless of any other contract or other obligation:

No person shall sell or deliver reusable iron or steel products to a consumer of such products at prices higher than the maximum prices established by this regulation;

No consumer of reusable iron or steel products shall buy or receive reusable iron or steel products at prices higher than the maximum prices established by this regulation;

No person shall charge or pay a fee for any service in connection with the sale of reusable iron and steel products in excess of the maximum fees established by this regulation;

No person shall agree, offer, solicit or attempt to do any of the foregoing.

SEC. 2. *Geographical application.* This regulation shall apply to all sales, deliveries and preparation of reusable iron and steel products in or into the 48 states of the United States and the District of Columbia.

ARTICLE II—MAXIMUM PRICES

SEC. 3. *Maximum shipping point prices*—(a) *Maximum shipping point prices per hundred pounds.* The maximum shipping point prices for reusable iron and steel products suitable for use without further reconditioning shall be as follows:

	1-1,999 pounds	2,000 pounds and over
1. Structural shapes	$3.00	$2.50
2. Plates	3.00	2.50
3. Bars, rods and flats	3.00	2.50
4. Shafting	3.00	2.50
5. Black sheets	3.00	2.50
6. Coated sheets	3.35	2.85
7. Miscellaneous products	3.00	2.50

(b) *Wire rope.* The maximum shipping point price for any reusable wire rope reconditioned and warranted free from kinks, broken wires and other defects shall be 85% of the mill carload delivered price for the same type of new wire rope at the shipping point involved.

(c) *Wire products.* The maximum shipping point price for any other reusable wire products, except nails, suitable for reuse without further reconditioning shall be 85% of the mill carload price of the new wire product at the shipping point involved.

(d) *Unreconditioned iron and steel products.* (1) The maximum shipping point price for any iron and steel product set forth in paragraph (a) of this section which requires reconditioning such as cutting, straightening, flattening or cleaning, etc. before it is suitable for reuse shall be $2.10 per hundred pounds.

(2) The maximum shipping point price for wire rope or other wire products, except nails, which require reconditioning before they are suitable for reuse shall be 55% of the mill carload delivered price of the new product at the shipping point involved.

(e) *Billing.* (1) Prices set forth in this section will be governed by the quantity specified in the consumer's order. Where the consumer orders a particular quantity of material, a price higher than that applicable to the quantity specified on the consumer's order may not be charged, regardless of the quantity shipped in any one vehicle against such order.

SEC. 4. *Extra charges.* A fee of 10¢ per hole may be charged for any hole punched or drilled at the specific request of the consumer. No extra charge may be added for cutting material to lengths. Any welding, bending or cutting to diamerter or pattern shall be considered fabrication. Maximum prices for fabricated structural steel shapes, plates, and bars are established by the General Maximum Price Regulation in Order 61 under § 1499.3 (b) of that regulation. Maximum prices for the service of processing reusable iron or steel products owned by others are established by Maximum Price Regulation 581.

SEC. 5. *Maximum delivered prices.* The maximum delivered price for any reusable iron or steel product shall be the shipping point price as established in section 3 of this regulation, plus the established charge for transporting such product from the shipping point to the point of delivery by the means of transportation employed.

Where out-of-town delivery is made in a vehicle owned or controlled by the shipper, the maximum transportation charges shall not exceed the established railroad freight from the railroad siding at or nearest the shipping point to the railroad siding at or nearest the point of delivery, for the quantity shipped.

Where local delivery is made in a vehicle owned or controlled by the shipper, a maximum delivery charge of $0.10 (ten cents) per hundred pounds may be added to the shipping point price. The maximum charge for the delivery of any one shipment need not fall below $0.50 (fifty cents) regardless of the quantity shipped.

Where shipment is made in a truck owned or controlled by the buyer, the seller may not add any transportation charges to the maximum shipping point price.

ARTICLE III—GENERAL PROVISIONS

SEC. 6. *Products covered.* Revised Maximum Price Regulation 310 establishes prices for all reusable iron or steel products except those included in Maximum Price Regulation 46, Relaying Rail, Relaying Girder Rail and Used Track Accessories; Revised Maximum Price Regulation 230, Reusable Iron and Steel Pipe and Used Structural Pipe; Maximum Price Regulation 411, Reusable Steel Storage Tanks (Field Assembled); and used cotton bale ties. It includes iron or steel products which have been used; iron or steel products which have been installed or erected but not placed in service; and iron or steel products which have been prepared or fabricated for installation or erection if such products have not been restored to their original condition. It does not include any new iron or steel product of less than prime quality for which maximum prices are established in Revised Price Schedule 6, Steel Mill Products; or Revised Price Schedule 49, Resale of Iron and Steel Products. It does not include any building dismantled and re-erected in its original form but does include iron or steel products originating from the dismantling of structures when such products are sold for use as iron or steel products.

SEC. 7. *Definitions.* (a) "Iron and Steel Products" includes all products listed in the Table of Capacity and Production for Sales contained in the An-

nual Statistical Report of the American Iron and Steel Institute for 1939, pages 42 and 43; all finished hot rolled or cold rolled iron or steel products; and all iron or steel products further finished by galvanizing, enameling, plating, coating, drawing, extruding, or otherwise.

(b) "Structural steel shapes" means any "I" beam, "H" beam, wide flange section, channel, angle, "Z" bar, "T" or other structural shape, which is commercially straight and is free from excessive rust or pits and detrimental attachments. It shall also include salvaged assemblies, such as trusses, built-up beams, columns, lintels, etc., or such shapes and sections.

(c) "Plates" means any carbon or alloy steel plate ⅛ inch or thicker which is reasonably flat and free from excessive rust or pits and detrimental attachments.

(d) "Bars, rods and flats" will include reinforcing bars, wire rods or any other flat-rolled products except plates and sheets, which are commercially straight, free from excessive rust or pits and detrimental attachments.

(e) "Shafting" means steel shafting of any size and length, commercially straight and free of excessive rust, pits or abrasions. It may include railroad axles when sold for machining, or forging, but not when such axles are sold for reuse as axles.

(f) "Black sheets" means all hot rolled or cold rolled sheets or strips, less than ⅛ inch in thickness, free from excessive rust or pits and reasonably flat.

(g) "Coated sheets" means all tin, terne, or galvanized sheets and will include galvanized roofing, or siding, plain or corrugated. It shall not include any painted or enameled sheets. The coating must be unbroken.

(h) "Wire rope" shall include any rope made of stranded iron or steel wire.

(i) "Wire products" shall include all other wire products except wire rods, wire rope or nails. It includes fence wire, wire netting, woven wire, barbed wire, etc.

(j) "Miscellaneous iron and steel products" shall include nails and all other iron or steel products not set forth or defined heretofore.

(k) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or any legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(l) "Consumer" means any person, including contractors, fabricators, commercial and industrial buyers, and any governmental agencies, who purchases reusable iron or steel products for his own use and not for resale.

(m) "Shipping point". A reusable iron or steel product is at its shipping point when it has been loaded on the vehicle, or in the case of water movement, the vessel, for shipment to the consumer.

(n) "Point of delivery". A reusable iron or steel product which is shipped by common carrier, or by truck owned or controlled by the seller, shall be at its point of delivery when it has arrived for unloading at the point designated by the buyer. When shipped in a truck owned or controlled by the buyer, the reusable iron and steel product shall be at its point of delivery when loaded on board such truck.

SEC. 8. *Maximum prices for export.* The maximum price at which any person may sell reusable iron or steel products for export or to an exporter shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment to any of the provisions of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

SEC. 11. *Taxes.* Any tax upon, or in connection with, the sale of reusable iron and steel products may be collected from the consumer in addition to the maximum prices established in section 3 if the amount is stated separately on the invoice and if the statute or ordinance imposing the tax does not prohibit the seller from separately stating and collecting it.

SEC. 12. *Records and reports.* (a) Every person making a sale of reusable iron and steel products amounting to more than $1.00 shall render an invoice to the consumer for each such sale showing the date, name and address of the consumer, a description of the commodity sold, the total weight, the shipping point price, the delivery charge if any, the extra charge if any, and the shipping point. A copy of such invoice shall be retained by the seller for inspection by the Office of Price Administration for a period of not less than one year or as long as the Emergency Price Control Act of 1942, as amended, shall be in effect, whichever is shorter. No invoice need be rendered by the seller for an amount smaller than $1.00.

(b) Persons affected by this regulation shall submit such other or further reports to the Office of Price Administration as it may from time to time require.

SEC. 13. *Licensing order applicable.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 14. *Less than maximum prices.* Lower prices than those set forth in this regulation may be charged, demanded, paid or offered.

SEC. 15. *Evasion.* The price limitations set forth in this regulation shall not be evaded by direct or indirect means.

SEC. 16. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942 as amended.

SEC. 17. *Applicability of other maximum price regulations or revised price schedules.* (a) Revised Maximum Price Regulation 310 establishing maximum prices for Reusable Iron and Steel Products supersedes all of those provisions of Revised Price Schedule 49 which relate to the sale of used iron or steel products except used or reconditioned cotton bale ties.

(b) The maximum price for any reusable iron and steel product which is sold to a consumer of scrap as defined in Maximum Price Regulation 4, Iron and Steel Scrap, for use as scrap is determined by Maximum Price Regulation 4 and not Revised Maximum Price Regulation 310.

Effective date. This regulation shall become effective June 26, 1945.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10923; Filed, June 21, 1945; 11:49 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 300, Amdt. 1]

RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 300 is amended in the following respects:

1. Appendix B is amended by changing the body of Table I to read as follows:

TABLE I—MAXIMUM MANUFACTURERS' AND DISTRIBUTORS' PRICES FOR CERTAIN RUBBER DRUG SUNDRIES [1]

Items	Maximum prices for sales by manufacturers and distributors		
	To wholesalers [2]	To mass retailers [3]	To other retailers [4]
Hot water bottles:			
Hospital Grade (molded) [5]	$0.55	$0.61	$0.74
Consumer Grade I [6]	.47	.52	.61
Consumer Grade II [7]	.39	.43	.49
Fountain syringes (molded) equipped with 4' 8" regular flow tubing, stopper, shut-off and screw socket:			
Hospital Grade:			
Group I attachments [8]	.57	.63	.76
Group II attachments [9]	.62	.69	.84
Group III attachments [10]	.82	.91	1.09
Consumer Grade I:			
Group I attachments	.49	.54	.63
Group II attachments	.54	.60	.69
Group III attachments	.73	.81	.95
Consumer Grade II:			
Group I attachments	.41	.45	.51
Group II attachments	.46	.50	.58
Group III attachments	.65	.72	.83
Combination syringes (molded) equipped with 4' 8" regular flow tubing, stopper, shut-off, and screw socket:			
Hospital Grade:			
Group I attachments	.70	.77	.93
Group II attachments	.75	.83	1.00
Group III attachments	.93	1.03	1.25
Consumer Grade I:			
Group I attachments	.61	.68	.79
Group II attachments	.66	.74	.86
Group III attachments	.85	.95	1.11
Consumer Grade II:			
Group I attachments	.53	.58	.68
Group II attachments	.58	.63	.74
Group III attachments	.77	.84	1.00
Ice Caps (molded) [11]	.48	.53	.63

2. Footnote 11 to Table I, Appendix B is amended to read as follows:

[11] The maximum prices established in this table apply only in the case of a molded ice cap that bears a brand name which the manufacturer or distributor placed on ice caps that he sold to wholesalers on December 1, 1941, at a net price of from $0.44 to $0.48. "Net price," as used in this footnote, means the lowest net price arrived at after deducting all discounts except cash discounts.

This amendment shall become effective June 26, 1945.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10921; Filed, June 21, 1945; 11:49 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 301, Amdt. 1]

RETAIL AND WHOLESALE PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 301 is amended in the following respects:

1. Appendix B is amended by changing the body of Table I to read as follows:

TABLE I—MAXIMUM WHOLESALERS' AND RETAILERS' PRICES FOR CERTAIN RUBBER DRUG SUNDRIES [1]

Items	Maximum prices for sales at wholesale	Maximum prices for sales at retail
Hot water bottles:		
Hospital Grade (molded) [2]	$0.74	$1.30
Consumer Grade I [2]	.61	1.03
Consumer Grade II [2]	.49	.78
Fountain syringes (molded) equipped with 4' 8" regular flow tubing, stopper, shut-off and screw socket:		
Hospital Grade:		
Group I attachments [3]	.76	1.33
Group II attachments [4]	.84	1.45
Group III attachments [5]	1.09	1.92
Consumer Grade I:		
Group I attachments	.63	1.08
Group II attachments	.69	1.18
Group III attachments	.95	1.63
Consumer Grade II:		
Group I attachments	.51	.83
Group II attachments	.58	.98
Group III attachments	.83	1.38
Combination syringes (molded) equipped with 4' 8" regular flow tubing, stopper, shut-off and screw socket:		
Hospital Grade:		
Group I attachments	.93	1.65
Group II attachments	1.00	1.75
Group III attachments	1.25	2.20
Consumer Grade I:		
Group I attachments	.79	1.38
Group II attachments	.86	1.48
Group III attachments	1.11	1.93
Consumer Grade II:		
Group I attachments	.68	1.13
Group II attachments	.74	1.23
Group III attachments	1.00	1.68
Ice Caps (molded) [2]	.63	1.08

2. Footnote 2 to Table I of Appendix B is amended to read as follows:

[2] When used in this Table I, the designations "Hospital Grade," "Consumer Grade I," "Consumer Grade II," and "Ice Caps (molded)" have the meanings given to them by Table I in Revised Maximum Price Regulation 300—Maximum Manufacturers' Prices for Rubber Drug Sundries.

This amendment shall become effective June 26, 1945.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10922; Filed, June 21, 1945; 11:49 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 477, Amdt. 12]

SALES OF RUBBER HEELS AND SOLES IN THE SHOE FACTORY AND HOME REPLACEMENT TRADES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 477 is amended in the following respects:

1. Subparagraph (2) of section 9a (b) is amended to read as follows:

(2) *Maximum prices for sales of government rejected composition, carbon black half-soles in the home replacement trade.* The maximum prices for sales at all levels in the home replacement trade of the government rejected composition, carbon black rubber half-soles that are listed in Appendix D and which are serviceable as soles shall be the maximum prices therefor set forth in Appendix D. Government rejected soles are those which have been manufactured for the use of the United States government or any agency thereof and which have been rejected as not meeting the purchaser's standards.

2. A new subparagraph designated (3) is added to section 9a (b) to read as follows:

(3) *Maximum prices for sales in the home replacement trade of soles not covered by subparagraphs (1) and (2).* Maximum prices for all sales in the home replacement trade of rubber soles not covered by subparagraphs (1) and (2) shall be determined in accordance with the provisions of the General Maximum Price Regulation.

3. A new appendix designated Appendix D is added to read as follows:

APPENDIX D—MAXIMUM PRICES FOR GOVERNMENT REJECTED COMPOSITION, CARBON BLACK HALF-SOLES SOLD IN THE HOME REPLACEMENT TRADE [1]

Thickness and size	Manufacturers' prices (per doz. pair) [2]	Wholesalers' prices (per doz. pair) [2]	Retailers' prices (per pair)
12 iron, sizes 7-11, assorted	$2.16	$2.88	$0.40
12 iron, sizes 11-13 assorted or solid	2.25	3.00	.40

[1] These maximum prices apply to composition, carbon black half-soles which have been manufactured for the use of the United States or any agency thereof and which have been rejected as not meeting the purchaser's standards and which are serviceable as soles.

[2] These maximum prices are subject to any cash discounts and transportation allowance that the seller had in effect to a purchaser of the same class during March, 1942.

This amendment shall become effective June 26, 1945.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10925; Filed, June 21, 1945; 11:50 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 270,[1] Amdt. 9]

DRY EDIBLE BEANS AND CERTAIN OTHER DRY FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In section 3 (a), Table I is amended in the following respects:

1. The prices for Marrow beans (not including red marrow) are amended to read as follows:

Marrow beans (not including red marrow):	
U. S. Choice hand picked	$8.50
U. S. No. 1	8.40
U. S. No. 2	8.25
U. S. No. 3 and lower	8.00

[1] 9 F.R. 9261, 10876, 12129, 14106; 10 F.R. 620.

2. The prices for white kidney beans are amended to read as follows:

White kidney beans:	
U. S. Choice hand picked	$9.60
U. S. No. 1	9.50
U. S. No. 2	9.35
U. S. No. 3 and lower	9.10

This amendment shall become effective June 26, 1945.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

Approved: June 8, 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

For the reasons set forth in the statement of considerations accompanying the foregoing amendment, I approve the above prices for White Marrow and White Kidney beans, and find that they are necessary in order to correct a gross inequity.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-10919; Filed, June 21, 1945; 11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 285,[1] Incl. Amdts. 1–3]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

This compilation of Revised Maximum Price Regulation 285 includes Amendment 3, effective June 26, 1945. Portions added and amended by Amendment 3 are underscored. Deletions and redesignations are indicated by notes.

A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation 285 has been issued and filed with the Division of the Federal Register.[2]

§ 1351.1251 *Maximum prices for certain sales of imported fresh bananas.* Under the authority vested by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation 285 (Imported Fresh Bananas, Sales Except at Retail), which is annexed hereto and made a part hereof, is hereby issued.

Sec.

AUTHORITY: § 1351.1251 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *What this regulation applies to*—(a) *In general.* This regulation establishes the maximum prices that importers may pay for green bananas imported from any country for sale within the Continental United States and the maximum prices for all domestic sales of imported green and processed bananas except sales by retailers (See MPR's 422[3] and 423[4]). Export sales are covered by Second Revised Maximum Export Price Regulation.[5] It supersedes Maximum Price Regulation 285, but all Regional or District Orders issued under that regulation shall continue in effect as orders under this regulation until superseded or revoked by the appropriate office.

[Paragraph (a) amended by Am. 3, effective 6-26-45]

(b) *Geographical applicability.* This regulation applies to the 48 states of the United States and the District of Columbia.

SEC. 2. *Definitions.* As used in this regulation, the term:

"Importer" means a person, other than a retailer, who imported the bananas being priced into the United States for resale, or who regularly imports bananas into the United States for resale whether or not he imported the particular bananas being priced.

"Retailer" means a person the larger volume of whose food business is the purchase and resale of food products, without materially changing their form, to ultimate consumers.

"Green bananas" means fresh bananas other than processed bananas, and includes bananas that have "turned" or ripened naturally.

"Processed bananas" means fresh bananas that have been unloaded into and actually stored in rooms or buildings specially equipped for artificially ripening bananas, and there treated by controlled heating, refrigeration, humidification or other means customarily used to ripen bananas artificially.

[Above definition amended by Am. 2, 10 F.R. 5035, effective 5-9-45]

"Cost of transportation", with respect to the bananas being priced, means the sum of the following:

(1) The cost of transporting the bananas from the port of entry to the wholesale receiving point or auction by the most direct route at the lowest available common carrier rate;

(2) In the case of truck shipments, wharfage, handling, tollage and usage charges incurred at the dock;

(3) In the case of railroad shipments to points west of the Mississippi River, the cost of messenger service actually supplied, but not to exceed $20.00 per car.

(4) The actual cost of other protective services, but not to exceed the lowest common carrier's charges for the same services;

(5) Any transportation tax imposed by section 602 of the Revenue Act of 1942;

(6) [Deleted].

[Item 6 deleted by Am. 3, effective 6-26-45]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702, 9521) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

"Wholesale receiving point" means the local railroad produce delivery yard at which bananas from the particular port of entry are customarily and generally received. If there is no such local delivery yard, the wholesale receiving point is the buyer's premises.

[Above definition amended by Am. 3, effective 6-26-45]

"Base price" means the maximum price delivered at the port of entry for the bananas being priced plus the cost of transportation. In cases where a maritime port of entry is also the wholesale receiving point, there is no "cost of transportation," as defined in this section. In such cases the base price includes, instead of the cost of transportation, all charges occurring between shipside and delivery to the buyer's premises except the cost of local unloading. The charges mentioned include, for example, wharfage, handling, tollage, usage and railroads' switching charges, together with the actual cost of any protective services rendered with respect to the bananas being priced while they were on the dock.

[Above definition amended by Am. 2]

"Delivered to a retailer or institutional user" means delivered to the buyer's premises, and in the case of a retailer, delivered to the retail store where sales to ultimate consumers are to be made. "Institutional user" includes government procurement agencies, hotels and restaurants.

"Processor" means the person (including an importer) who converted the bananas being priced from green bananas into processed bananas.

"Sub-jobber" means a person other than an importer who buys processed bananas and resells them to persons other than ultimate consumers.

[Above three definitions added by Am. 2, 10 F.R. 5035, effective 5-9-45]

"Person" means an individual, corporation, partnership, association, any other organized group of persons, and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions and their agencies.

"Sale" includes sales, dispositions, agencies, leases, and other transfers and contracts and offers to do any of those things. The term "sell," "seller," "buy,"

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[1] 10 F.R. 1493.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[3] 10 F.R. 1505, 2024, 2297, 3814, 5370.

[4] 10 F.R. 1523, 2025, 2298, 3814, 5370.

[5] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9834, 11273, 12919, 14346; 10 F.R. 863, 923, 2432.

"buyer," "purchase" and "purchaser" shall be construed accordingly.

SEC. 3. *Importers' maximum prices for green bananas*—(a) *Maximum prices that importers may pay, including payment for purchasing services.* The maximum price that an importer may pay for green bananas, is, in each case, his maximum selling price for the bananas being priced less all costs incurred by him incident to transporting the bananas from the country of production to the point at which he receives them and less all sums he pays for purchasing services.

The maximum amount that an importer may pay or any person may receive for purchasing services, in any case, shall not exceed the importer's maximum selling price for the bananas being priced less the sum of the amount paid for the bananas and the actual cost of delivering them to the importer.

"Purchasing services" include, for example, finding or procuring the bananas, arranging or securing transportation, buying the bananas before they are imported and selling them to the importer, and chartering transportation facilities to or for the importer if the person performing the purchasing services owns or controls the means of transportation leased or chartered.

(b) *Importers' maximum selling prices.* The prices established by this paragraph are importers' maximum prices for sales of green bananas, regardless of whether the importer performs functions other than importing.

(1) *Delivery at port of entry.* Importers' maximum prices for sales of green bananas delivered at port of entry are the amounts listed opposite the respective countries of production in the following table:

Country of production:	*Maximum price per cwt.*
Guatemala, Costa Rica, Honduras, Panama	$4.50
Mexico [1] states of Chiapas and Tabasco	4.50
Mexico, all other states	3.25
All other countries	4.00

[1] See section 9 (b) and (c) for special provisions regarding importations of Mexican bananas. If those provisions are not met, the maximum price delivered at port of entry for the particular bananas is $3.25 per cwt.

"Delivered at port of entry" means, in the case of maritime ports of entry, delivered at ship-side, and in the case of terrestrial ports of entry, delivered at the point at which the bananas being priced first entered the United States loaded in the car or other vehicle in which they were imported. The maximum price delivered at port of entry, in the case of maritime ports, includes all costs included in ocean transportation. In sales made by importers at maritime ports of entry, if the bananas are not unloaded from the vessel, the maximum price in each case is the applicable maximum price from the foregoing table minus the cost of unloading.

(2) *Delivered at points other than port of entry.* For sales delivered at any point other than the port of entry, the importer's maximum price in each case is the maximum price delivered at port of entry for the bananas being priced, plus the cost of transportation (i. e., the "base price" only).

(3) *Through terminal auction in certain cities.* For sales through terminal auction in New York, New York; Philadelphia, Pennsylvania; or Baltimore, Maryland; the importer's maximum price in each case is the base price plus 94 cents per cwt. minus 5% of the total of the foregoing items. For sales through any other terminal auction the maximum price is the base price only.

[Sec. 3 amended by Am. 2, 10 F.R. 5035, effective 5-9-45; and Am. 3, effective 6-26-45]

SEC. 4. *Maximum prices for all other sales of bananas*—(a) *Explanation.* Table 1 in paragraph (b) below, which does not apply to sales by importers, shows how to figure maximum prices for all sales of bananas made after the bananas being priced have been sold by an importer through a terminal auction at New York, New York, Philadelphia, Pennsylvania or Baltimore, Maryland. The maximum price for such sales is, in each case, the net auction price multiplied by the figure named in the table for the particular type of sale. The term "net auction price" means the maximum price delivered at port of entry for the bananas being priced, plus the cost of transportation, plus 94¢ per cwt., minus 5% of the total of the foregoing items.

Table 2 in paragraph (b) below, shows how to figure maximum prices for all sales of bananas not covered by section 3 or by Table 1 of this section. The maximum price for such sales is, in each case, the base price multiplied by the figure named in the table for the particular type of sale.

The maximum prices for sales delivered to retailers or institutional users include all delivery costs within the seller's free delivery zone. These maximum prices may be increased only as authorized by a Regional Administrator or District Director pursuant to section 5 (a) (1). All other maximum prices named are f. o. b. the seller's premises, and if the seller makes delivery his maximum price is the maximum price otherwise applicable to the particular sale plus the cost of delivery at the lowest rate for available transportation.

For sales of bananas in hands to procurement agencies of the United States where the seller furnishes non-returnable containers at the request or specification of the buyer, the seller may add the actual cost to him of such containers, not to exceed their maximum price under any applicable maximum price regulation.

[Above paragraph added by Am. 3, effective 6-26-45]

(b) *Markup tables.*

TABLE 1—BANANAS THAT HAVE BEEN SOLD BY AN IMPORTER THROUGH AUCTION

Type of sale:	*Figure by which net auction price is to be multiplied*
(a) Sales of green bananas by anyone except an importer	1.08
(b) Sales of processed bananas:	
(1) By processors (who are not importers) and subjobbers, delivered to retailers or institutional users [1]	
In stems	1.26
In hands	1.36
(2) All other sales by processors (who are not importers) and subjobbers	
In stems	1.18
In hands	1.28

[1] For sales in stems to retailers or institutional users, if the seller does not deliver, but the bananas are packed in boxes, baskets or similar containers and are protected by excelsior, shredded paper or other materials and the buyer has supplied neither the container nor the protective material, the multiplier is 1.22.

TABLE 2—ALL OTHER BANANAS

Type of sale:	*Figure by which base price is to be multiplied*
(a) Sales of green bananas by anyone except an importer:	
(1) In unbroken carlots or trucklots, or at port of entry and not loaded on carrier	1.02
(2) All other sales	1.09
(b) Sales of processed bananas:	
(1) By processors or sub-jobbers delivered to retailers or institutional users: [1]	
In stems	1.375
In hands	1.485
(2) All other sales by processors or sub-jobbers:	
In stems	1.285
In hands	1.395

[1] For sales in stems to retailers or institutional users if the seller does not deliver, but the bananas are packed in boxes, baskets or similar containers and are protected by excelsior, shredded paper or other materials and the buyer has supplied neither the container nor the protective material, the multiplier is 1.33.

(c) *Minimum markups.* For sales by the processor, delivered to a retailer or institutional user, the markup shall not be less than $1.50 per cwt. for bananas in stems or $1.85 for bananas in hands.

(d) *Special provisions for processors in New York City.* For processors located in the metropolitan area or city limits of New York City, the maximum price, in each case, is 30 cents per cwt. higher than the maximum price otherwise applicable to the sale, and the maximum price otherwise applicable to any subsequent sale of the bananas is increased by that amount. The provisions of this paragraph shall expire on July 1, 1945 unless sooner suspended by the Regional Administrator of Region II. (See section 5 (a) (3) for his authority to make certain adjustments.)

[Sec. 4 amended by Am. 1, 10 F.R. 1935, effective 2-14-45 and Am. 2, 10 F.R. 5035, effective 5-9-45]

SEC. 5. *Delegation of authority to Regional Administrators and District Directors.* (a) Each Regional Administrator is granted the following authority, which he in turn may delegate to District Directors within his jurisdiction:

[Former subparagraph (1) deleted; former subparagraphs (2), (3) and (4) redesignated (1), (2) and (3) by Am. 3, effective 6-26-45]

(1) To adjust upward the maximum prices of sellers other than importers to provide for inbound delivery costs (not including local hauling) charged to or paid for or absorbed by the seller and to provide for the cost of making deliveries to the promises of retailers or institutional users beyond the free delivery zone. In the case of sales delivered to retailers or institutional users beyond the free delivery zone the adjustment shall not exceed 35¢ per cwt.

(2) In Region I only, to adjust upward the maximum prices of sellers other than importers to provide for the cost of hauling bananas from wholesale receiving points to sellers' places of business in cases where it is determined that the markups applicable to such sellers are not adequate to provide for the cost of such hauling, and regardless of whether such hauling is local hauling. However, no such adjustment shall be made in any amount more than 35¢ per cwt., nor in an amount or manner that will tend to cause a shortage of bananas in any other locality or cause an increase in the price of bananas at retail.

(3) In Region II only, to adjust upward the maximum prices for sales by processors not to exceed 30¢ per cwt., in cases where it is found that the applicable markup is not adequate to cover costs of hauling from a rail terminal to the seller's warehouse or ripening room. In all cases where such an adjustment is made it shall be provided that the maximum price otherwise applicable to all subsequent sales of the same bananas is increased in each case by the same amount. Adjustments made under this authority shall automatically suspend the effect of section 4 (d) if that section would otherwise be applicable.

[Subparagraphs (1) and (2), formerly (2) and (3), amended and (3), formerly (4), added by Am. 2, 10 F.R. 5035, effective 5-9-45]

(b) No adjustment under this section shall be made to provide for the cost of local unloading at the seller's place of business.

[Paragraph (b) amended by Am. 2]

SEC. 6. *Fractions of cents.* If any maximum price figured under this regulation includes a fraction of a cent, the seller shall adjust the price to the nearest fractional unit of a cent (like 1 cent, ½ cent, ¼ cent, etc.) in which he has customarily quoted prices for bananas.

SEC. 7. *Maintenance of customary discounts and allowances.* No seller shall change any customary discount, allowance or other price differential to a purchaser or class of purchasers if the change results in a higher price to that purchaser or class.

SEC. 8. *Record keeping.* Every seller covered by this regulation shall:

(a) Preserve for examination by the Office of Price Administration all his records, including invoices or other written evidence of sales and deliveries relating to the prices that he charges pursuant to the provisions of this regulation;

(b) Prepare on or before the effective date of this regulation, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing all of his customary allowances, discounts and other price differentials;

(c) Keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, records of the same kind as he has customarily kept relating to the prices that he charges for bananas after the effective date of this regulation, and in addition records showing as precisely as possible the basis upon which he determined the maximum prices for bananas.

SEC. 9. *Information sellers must supply.* (a) Every seller covered by this regulation shall supply his purchaser with an invoice or other written evidence of the sale, which shall state the number of pounds of bananas sold, the country of production, the maximum price delivered at port of entry, the cost of transportation involved, the selling price, and if the bananas are sold or were purchased through auction, the maximum price for that auction sale.

[Paragraph (a) amended by Am. 2, 10 F.R. 5035, effective 5-9-45]

(b) In the case of bananas imported from Mexico, the invoice shall set forth the state in Mexico in which the bananas were produced.

(c) All importers of bananas from Mexico are required to secure an original or copy of "Certificate of Origin" ("Certificado de Exportacion"—issued under the authority contained in the Order of the Department of Finance and Public Credit of the Republic of Mexico, published in the "Diario Official" on February 2, 1943). For each sale of bananas imported from Mexico, the importer must retain one copy of this certificate and supply his purchaser with a copy. These copies shall be retained pursuant to section 8.

SEC. 10. *Compliance with this regulation*—(a) *No selling or buying above maximum prices.* On and after the effective date of this regulation, regardless of any contract or obligation, no person shall sell or deliver, or import, or buy or receive in the course of trade or business, bananas at prices higher than the maximum prices established by this regulation. However, prices lower than maximum prices may be charged and paid.

[Paragraph (a) amended by Am. 3, effective 6-26-45]

(b) *Evasion.* No person shall evade a maximum price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying agreement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling or packaging; or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) issued by the Office of Price Administration provides that the war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

(d) *Licensing.* The provisions of Licensing Order No. 1 (8 F.R. 13240) licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 11. *Petitions for amendment.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 as amended.[*]

This regulation shall become effective February 12, 1945.

[Revised Maximum Price Regulation 285 originally issued February 2, 1945]

[Effective dates of amendments are shown in notes following parts affected]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10920; Filed, June 21, 1945; 11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 585, Amdt. 2]

MIXED FEEDS FOR ANIMALS AND POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 585 is amended in the following respects:

1. The designation "(a)" immediately preceding the definition of "United States" in section 2.1 (a) is amended to read "(2)".

2. The second sentence in section 2.1 (a) (3) is amended to read as follows:

A "manufacturer" is a Class A manufacturer with respect to his operation of

[*] 9 F.R. 10476, 13715.

a Class A plant, for which margins are determined on the basis of sales to retailers or deliveries to retail outlets or sales to other manufacturers of mixed feeds for use in further processing or mixing under section 4.1 (c) and a Class B manufacturer with respect to his operation of a Class B plant, for which margins are determined on the basis of sales to feeders under section 4.1 (d).

3. Section 3.12 (a) is amended to read as follows:

(a) Every person subject to this regulation shall keep, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of all sales of mixed feeds sold by him, showing the date thereof, the quantity and kinds of mixed feeds sold by him, the agreed price and, with respect to all sales in excess of one ton, the name of the buyer, whose address shall be supplied upon request made by a duly authorized representative of the Office of Price Administration except that if a person posts his maximum prices for sales to feeders conspicuously in his place of business, he need not keep a record of sales to feeders in quantities of less than one ton made at such place of business.

4. The second sentence in section 4.1 (a) (2) is amended to read as follows: "For Class A plants, he shall determine the margins on sales he made to retailers, or in the absence thereof on deliveries he made to his retail outlets, or, in the case of mixed feeds sold only to other manufacturers of mixed feeds on sales made to such manufacturers, in the manner provided in paragraph (c) of this section."

5. The heading and first sentence of section 4.1 (c) (1) (iii) are amended to read as follows:

Use of retail outlets and sales to other manufacturers. If during the 1942 base months you made no sales to retailers but made deliveries to your retail outlets or sales to other manufacturers of mixed feeds, you may consider such deliveries to your retail outlets or such sales to other manufacturers as sales to retailers for the purpose of determining margins.

6. The first paragraph of section 4.1 (d) (3) is amended to read as follows:

(3) *Methods for Class B plants for sales to retailers.* For each Class B plant whose feeds are sold to other than feeders, you shall determine your margins per ton for each mixed feed on the basis of carload sales to retailers by the use of one of the following methods, except that in the case of private brand mixed feeds you must use the fourth method.

7. The Third Method in section 4.1 (d) (3) is amended to read as follows:

Third method. (i) In order to use this method you must have records showing that you made sales to retailers during the 1942 base months and showing the discounts, if any, from your selling price to feeders that you gave to such retailers.

(ii) (*a*) If you use this method your margin for sales to retailers in carload quantities, shall be the amount, in dollars and cents, determined by deducting from your margin for sales to feeders the largest regular discount, if any, from your margin for sales to feeders that you gave on sales to retailers in carload quantities during the 1942 base months.

(*b*) If you made sales to retailers during the 1942 base months only in less than carload quantities, your margin for sales to retailers in carload quantities shall be the amount, in dollars and cents, determined by deductitng from your margin for sales to feeders the largest regular discount, if any, from your margin for sales to feeders that you gave on sales to retailers in less than carload quantities during the 1942 base months, less an additional sum of $1.00.

(*c*) For the purposes of this method a "regular discount" shall be a discount given continuously during the 1942 base months and an occasional sale at a greater or lesser discount shall be disregarded.

8. A Fourth Method is added to section 4.1 (d) (3) to read as follows:

Fourth Method. If (1) you are determining a margin for a private brand feed or (2) you cannot determine a margin by any of the foregoing methods or (3) you want to determine a margin for a mixed feed which you did not sell to retailers during the 1942 base months, such margin shall be determined in accordance with the following methods:

(i) You may select the margin for sales to retailers determined under any of the first three methods for a mixed feed manufactured at any of your Class B plants having the same or most similar feeding purpose. Such margin shall be the margin for sales to retailers which you shall file for the mixed feed under this regulation; or

(ii) You may apply to the office of the Office of Price Administration with which you file your margins under paragraph (f) of this section for a margin for such mixed feed. Your application should contain the following information:

(*a*) Name and address of applicant.

(*b*) Location of plant where mixed feed will be manufactured.

(*c*) Name of feed and feeding purpose.

(*d*) Minimum guarantee of protein and fat and maximum guarantee of fibre.

(*e*) Proposed ingredients for the feed.

(*f*) Proposed margin.

(*g*) Your margins on similar feeds.

(*h*) Name and addresses of closely competitive sellers for similar mixed feeds (if known).

(*i*) Information and scope of activity, if you operate a laboratory, do advertising or supply farm services.

At any time after the filing of your application and before the Office of Price Administration has provided you with a margin, you may use the margin you propose in your application.

9. The second sentence in section 4.1 (g) (3) is amended to read as follows: The allowed margin or differential shall be used by the manufacturer, unless his records would establish that his filed margin or differential was correctly determined under the provisions of this regulation and he elects to rely on the correctness of such determination pending the final disposition of his petition filed pursuant to subparagraph (5) below.

10. Section 4.1 (e) is amended to read as follows:

(e) *Differentials for Class C plants.* (1) A Class C plant is (i) one for which during the 1942 base months you customarily determined selling prices on mixed feeds by adding to, or deducting from, the selling price at another related plant operated by you, differentials which may or may not have been zero and may or may not have been constant during such 1942 base months or (ii) a plant classified as a Class C plant pursuant to the provisions of subparagraph (3) below.

(2) For each plant qualifying as a Class C plant under subparagraph (1) (i) above, you shall determine, on a per ton basis, the average of such differentials during the 1942 base months for each mixed feed. The results will be the differentials for such plant which you shall file under this regulation for such mixed feeds.

(3) Any manufacturer may apply to the district or regional office of the Office of Price Administration with which he files his margins and differentials for permission to treat any plant or plants operated by him as a Class C plant or plants and to establish differentials therefor. Any such application shall contain, in addition to the information required by paragraph (f) of this section, (i) a statement as to whether or not such differential had been customarily used though not in the 1942 base months and (ii) a statement of the reasons and bases for the establishment of the differential requested, such as varying costs of ingredients, transportation costs or desirability of establishing uniform prices.

11. The first sentence of section 4.1 (h) is amended to read as follows: Any filed margin or differential determined in good faith pursuant to the provisions of this regulation, which has not been disapproved within sixty days after the manufacturer has received an acknowledgment of such filing, shall thereafter be deemed to be approved.

12. A new sentence is added to section 4.2 (b) immediately before the first paragraph to read as follows: The purpose of the methods set forth below is to provide each manufacturer with a method for the determination of an average maximum price for each ingredient that he uses which, when determined, becomes his base ingredient price for that ingredient, and may thereafter be used instead of the maximum price for each specific receipt of that ingredient, subject however, to the conditions set forth in this regulation.

13. A new sentence is added at the end of the first paragraph of section 4.2 (b) to read as follows: For the purposes of subparagraphs 4.2 (b) (1) and (2), the term "customary maximum prices" refers to a maximum price which either (i) uniformly applies to a major portion of the receipts of the ingredient in question at the manufacturer's plant during the twelve-month period ending April 30, 1945 or (ii) is a price not higher than the average of the maximum prices of the receipts of the ingredient in question at your plant during the twelve-month period ending April 30, 1945.

14. The Third Method under section 4.2 (b) (1) is amended to read as follows:

Third Method. You may use the simple average of the maximum prices you could have lawfully paid to your supplier delivered at your plant for either

(i) Those of your receipts during the last thirty days prior to the effective date of this regulation which reflect your customary maximum prices, or

(ii) Your last twenty receipts prior to the effective date of this regulation which reflect your customary maximum prices, or

(iii) Your receipts during the last year preceding the effective date of this regulation.

15. The First Method under section 4.2 (b) (2) is amended to read as follows:

First Method. You may use the simple average of the maximum prices you could have lawfully paid to your supplier delivered at your plant for either.

(i) Those of your receipts during the last thirty days prior to the effective date of this regulation which reflects your customary maximum prices, or

(ii) Your last twenty receipts prior to the effective date of this regulation which reflect your customary maximum prices, or

(iii) Your receipts during the last year preceding the effective date of this regulation.

16. The second sentence in section 4.2 (f) (3) is amended to read as follows: The allowed price shall be used by the manufacturer, unless his records would establish that his filed price was correctly determined under the provisions of this regulation and he elects to rely on the correctness of such determination pending the final disposition of his petition filed pursuant to subparagraph (5) below.

17. The first sentence of section 4.2 (h) is amended to read as follows: Any filed ingredient or container price determined in good faith pursuant to the provisions of this regulation, which has not been disapproved within sixty days after the manufacturer has received an acknowledgment of such filing, shall thereafter be deemed to be approved.

18. Section 4.5 is amended to read as follows:

SEC. 4.5 *Pricing day.* Within 60 days of the effective date of this regulation, each manufacturer shall select one day of the week as his pricing day for each of his plants. The pricing day is the day the manufacturer selects upon which to have his control prices and his price lists become effective. It may, but it need not be, the same day as the day upon which he computes his list prices or issues his price lists. Once the pricing day is selected it shall be the same day in each subsequent week except that if a pricing day falls on a holiday the manufacturer may select the day immediately preceding or following such holiday as his pricing day for that week. The control prices and price lists for the plant on such pricing day remain in effect for one week until the following pricing day.

19. Section 4.9 (a) is amended to read as follows:

(a) *Sales to feeders.* For sales to feeders of mixed feed manufactured by you at a Class B plant, or Class C plant related thereto, your maximum price shall be as follows:

(1) Your control price for sales to feeders in lots of one to five 100-pound containers; plus

(2) Your transportation cost from your plant or other f. o. b. point as of which you compute your margins; plus

(3) The appropriate differentials at the rate set forth in section 4.10 for mixed feeds in pelleted form and for mixed feeds in containers of less than 100 pounds; plus

(4) A handling charge of $1.50 per ton for mixed feeds in containers of less than 100 pounds; and

(5) On lots you have unloaded into a warehouse after shipment from your plant and from which you sell to feeders, a handling charge in addition to $2.50 per ton.

(6) On sales in larger lots than one to five 100-pound containers, you shall allow such discounts as are consistent with your regular discount policy on such sales during the 1942 base months.

20. Paragraph (c) of section 5.2 is amended to read as follows:

(c) If you are an importer your maximum purchase price, or

21. A new paragraph (d) is added to section 5.2 to read as follows:

(d) If you bought the mixed feed from another wholesaler, the maximum price he could lawfully have charged you for such mixed feed; plus

22. Paragraph (d) of section 5.2 is redesignated (e) and the words "or (d)" are inserted between "c" and "above" in the first sentence.

23. The first sentence of section 5.5 (a) is amended to read as follows: If you are an importer of mixed feeds you determine your maximum price for the sale of any such mixed feed under the provisions of section 5.3 for sales to feeders and under the provisions of section 5.2 for sales to any person other than a feeder.

24. Section 5.6 is amended by adding the following paragraph at the end thereof:

Revised Maximum Price Regulation No. 165, as amended, is superseded insofar as it establishes maximum prices for custom mixers as defined in this regulation.

This amendment shall become effective June 21, 1945.

NOTE: The reporting and record-keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10926; Filed, June 21, 1945; 11:50 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136, Amdt. 3]

MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

In section 19 (b), the date "March 12, 1945" is amended to read "December 4, 1944".

This amendment shall become effective June 26, 1945.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10918; Filed, June 21, 1945; 11:48 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 5C, Amdt. 10]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 5C is amended in the following respects:

1. Section 1394.7903 (b) is revoked.

2. Section 1394.7904 (b) is amended to read as follows:

(b) *Limitation on the allowance of non-highway ration for use with a boat used for specified purposes.* If application is made for a non-highway ration for use with an inboard motorboat or an outboard motor operated wholly or in part for any of the purposes specified in the three limitation groups set forth below, the Board shall allow for any three month period the amount of gasoline required for such purpose, but not in excess of the maximum amount specified for the appropriate limitation group as determined by the formulae applicable to that limitation group.

(1) *Limitation Group I.* If the boat is operated for the purpose of conducting fishing parties (other than commercial fishing) by a person regularly engaged in that business and the fishing party is personally conducted by such person or his employee, the ration for this purpose shall not exceed the appropriate maximum as follows:

(i) For an inboard motorboat the number of gallons equal to one and two-thirds gallons per manufacturer's rated horsepower of the motor or motors multiplied by the average number of days per week that the boat is used for this purpose during the ration period but not in excess of 1,200 gallons. For the purpose of this computation no more than six days in each calendar week shall be counted.

(ii) For an outboard motor the number of gallons equal to two and one-half times the manufacturer's rated horsepower but not in excess of 20 gallons.

(2) *Limitation Group II.* If the boat is operated for any of the purposes set forth in subdivisions (i) and (ii) of this subparagraph, the ration for all such purposes shall not exceed the appropriate maximum set forth in subdivision (iii).

(i) The operation of a boat by a person as his business or part of his business for advertising purposes; conduct-

ing, guiding, or chartering the boat for sightseeing, hunting or pleasure parties or transporting persons traveling for these or other non-occupational purposes; or renting or chartering a boat for fishing (other than commercial fishing or as specified in subparagraph (1)).

(ii) The use of a boat (other than as a common carrier) for transporting persons traveling for occupational purposes if there is adequate alternative means of transportation available.

(iii) The maximum rations allowable for all the purposes set forth in this subparagraph (2) are as follows:

(*a*) For an inboard motorboat the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors but not in excess of 125 gallons.

(*b*) For an outboard motor the number of gallons equal to two and one-half times the manufacturer's rated horsepower but not in excess of 20 gallons.

(3) *Limitation Group III.* If the boat is used for travel between a temporary or seasonal home or lodging and a fixed place of work and the applicant is not required to live at such home or lodging by reason of his work, or if the boat is used for transporting persons traveling for non-occupational purposes (except as provided in § 1394.7904 (b) (1) and (2)), or if the boat is used for no occupational purpose, the maximum rations allowable for all such purposes are as follows:

(i) For an inboard motorboat the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors, but not in excess of 36 gallons.

(ii) For an outboard motor the number of gallons equal to two and one-half times the manufacturer's rated horsepower but not in excess of 15 gallons.

(iii) However, if the boat is enrolled as a member of the Coast Guard Auxiliary and is not eligible for a non-highway ration for its operation except for a purpose specified under this subparagraph (3), the maximum ration allowable shall be the same as set forth in § 1394.7904 (b) (2) (iii) if the application is accompanied by the certification of an authorized Coast Guard officer stating that the boat is so enrolled and has been accepted by the Coast Guard for emergency duty.

(4) In the case of an inboard motorboat or outboard motor used in connection with farming, the gallonage determined by the Board for a three-month period (in accordance with the other provisions of this paragraph) shall be multiplied by two and the non-highway ration so determined shall be issued for a six-month period.

(5) *Auxiliary motors.* Notwithstanding the provisions of subparagraph (1), (2) and (3) of this paragraph, a non-highway ration may be issued for use with an auxiliary motor of an inboard motorboat for operating an electric generator for lighting, refrigeration and like purposes.

3. Section 1394.7904 (d) is amended to read as follows:

(d) Except as provided in § 1394.8102 (f) (1) and § 1394.8052 (a) (4), no non-highway ration issued for use with a boat for any of the limited purposes set forth in § 1394.7904 (b) may be issued for such boat during any three or six month period for which such a ration has already been issued.

4. Section 1394.8052 (a) (4) is added to read as follows:

(4) A change in this order increasing the amount of non-highway ration allowable for use with boats for any of the purposes specified in § 1394.7904 (b).

5. In § 1394.8052 (d) the last sentence is amended to read as follows: "No further non-highway ration shall be granted which would permit the applicant to exceed the limitations on the amount of gasoline allowable under § 1394.7904 (b) in effect during the period of his current ration which has already passed or in effect during the period of the further ration."

This amendment shall become effective June 20, 1945.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; Pub. Law 509, 78th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, 8 F.R. 9492, 9868, 9 F.R. 8775, 12338, 13039; E.O. 9125, 7 F.R. 2719)

Issued this 20th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10377; Filed, June 20, 1945; 4:42 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 101]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Ration Order 17 is amended in the following respect:

1. Section 2.22 (e) is added to read as follows:

(e) *Fourth odd lot release*—(1) *Transfers to establishments.* (i) During the period from June 25, 1945 to July 14, 1945, inclusive, any establishment whose transfers of shoes are made principally to other establishments or any establishment whose transfers of shoes are made principally on mail order may transfer without ration currency to any other establishment, not to exceed in any class listed below, the applicable percentage of the number of pairs of shoes which it had in its inventory on July 31, 1944, in such class (as reported on Form R-1701B).

	Percent
Class I—Men's dress and work shoes	3
Class II—Women's shoes	5

Any establishment transferred to a new owner under section 3.7 (b) after July 31, 1944 may transfer shoes under the conditions stated in subdivision (i) using as the base to which the percentage applies the number of pairs of shoes its transferor had in inventory on July 31, 1944 (as reported on Form R-1701B). An establishment opened as a new business after July 31, 1944 may transfer in any class the applicable stated percentage of the number of pairs of shoes in that class in its inventory on June 30, 1945, if it files with the District Office an inventory taken as of June 30, 1945 of its men's dress and work shoes and of its women's shoes. The inventory need not be filed on any prescribed form. No transfers of shoes may be made in such a case under this paragraph (e) until the inventory is filed. The price of each pair so transferred between establishments not owned by the same person may not exceed a price 25% below the lowest price at which shoes were sold by the transferor on June 1, 1945 (or if there was no sale of such shoes on June 1, 1945, the closest date thereto) to persons other than consumers. If there is no established price for such shoes to persons other than consumers, they may be transferred at a price not to exceed 10% above the price paid by the owner of the establishment for such shoes. An establishment may transfer shoes under this subparagraph (1) to another establishment owned by the same person only if the price to consumers for such shoes will not exceed a price 33⅓% above the lowest price paid by the owner of the establishment for such shoes.

(ii) Shoes acquired without ration currency under this subparagraph (1) by any establishment whose transfers of shoes are made principally to other establishments may be transferred without ration currency to another establishment without relation to the percentage specified in subdivision (i) above. The price of each pair so transferred between establishments not owned by the same person may not exceed a price 10% above the price paid by the owner of the transferor establishment for such shoes.

(iii) Each establishment shall, when transferring shoes without ration currency under this subparagraph (1) state on each invoice furnished pursuant to Sec. 2.13 the price per pair and in total of all shoes included in the invoice. Where shoes are transferred between establishments owned by the same person, the invoice shall state the price at which such shoes are to be sold to consumers.

(2) *Transfers to consumers.* (i) During the period from July 9, 1945 to July 28, 1945, inclusive, an establishment whose sales of shoes are made principally to consumers may transfer to consumers without ration currency in each class listed in subparagraph (1) above the applicable stated percentage of the number of pairs of shoes it had in its inventory on July 31, 1944, in such class (as reported on Form R-1701B). Any establishment transferred to a new owner under section 3.7 (b) after July 31, 1944 may transfer shoes under the conditions stated in this subparagraph (2), using as the base to which the percentage applies the number of pairs of shoes in that class in the inventory of the old owner on July 31, 1944 (as reported on OPA Form R-1701B). An establishment opened as a new business after July 31, 1944 may transfer in any class the applicable stated percentage of the

number of pairs of shoes in that class in its inventory on June 30, 1945, if it files with the District Office an inventory taken as of June 30, 1945 of its men's dress and work shoes and of its women's shoes. The inventory need not be filed on any prescribed form. No transfers of shoes may be made in such a case under this paragraph until the inventory is filed.

(ii) Any establishment whose transfers of shoes are made principally to consumers may transfer to consumers without ration currency during the period from July 9, 1945 to July 28, 1945, inclusive, shoes which it acquired from another establishment pursuant to subparagraph (1). The number of pairs of shoes so transferred need not be deducted by the establishment from the number of pairs of shoes permitted to be transferred without ration currency under subdivision (i) of this subparagraph (2).

(iii) The sale price of each pair of shoes transferred under subdivision (i) of this subparagraph (2) may not exceed a price of 25% below the establishment's regular price to consumers for such shoes on June 1, 1945. If the price of shoes had been permanently reduced before June 1, 1945, the reduced price is the regular price to consumers for the purpose of this subparagraph (2). If the shoes were on special sale on June 1, 1945, the regular price to the consumer for those shoes is the last price at which they were sold immediately preceding the special sale. The sale price of shoes transferred under subdivision (ii) of this subparagraph (2) may not exceed a price 33⅓% above the price paid by the owner of the establishment for such shoes.

(iv) Shoes transferred to consumers in accordance with this subparagraph (2) shall be marked with the words "Release No. 101" after the sale to the consumer but before they are removed from the establishment. The mark shall be written or stamped on one shoe of each pair with ink, indelible stamp or indelible pencil.

(v) When such shoes are offered for sale to consumers in any advertisement or notice, they shall be referred to as "OPA Odd Lot Release. Ration-free from July 9, 1945 to July 28, 1945, inclusive."

(3) *Definition of price.* For the purpose of this paragraph (e) the term "price" shall mean the invoice price less any trade or cash discount but plus any separable transportation expense (a charge for freight or postage which is not included in the invoice price). However, the term "price" when used in relation to the amount which may be charged to a consumer means the amount actually charged less any local sales tax.

(4) *Records and reports.* Each establishment shall keep a record in the manner required by section 2.13 (b) (9) showing the number of pairs of shoes transferred without ration currency under this paragraph (e) and the number of pairs of shoes acquired by the establishment without ration currency under this paragraph (e).

(5) *Surrender of ration currency.* If shoes acquired without ration currency under subparagraph (1) are sold by an establishment to a consumer at a price in excess of 33⅓% above the price paid by the owner of the establishment for such shoes, it shall collect ration currency and surrender it to the District Office within five days after the transfer.

(6) *Restriction on sale of certain women's shoes.* Notwithstanding any other provision of paragraph (e), no women's shoes having heel heights of one inch or less may be transferred ration-free under paragraph (e).

This amendment shall become effective June 25, 1945.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10930; Filed, June 21, 1945; 11:47 a. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A,[1] Amdt. 22]

STOVES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Ration Order 9A is amended in the following respects:

1. Section 2.8 (b) is amended by changing the last sentence to read: "However, a person applying for an oil heating or an oil cooking stove may get a certificate for that type of stove only if he meets one of the conditions set forth in section 2.3 (b) (2) or 2.4 (b) (1), whichever is applicable."

2. Section 3.10 (b) is added as follows:

(b) *Exceptions as to coal or wood stoves.* After the day on which he has filled all orders for coal or wood stoves accompanied by certificates placed with him pursuant to section 14.3, a dealer or distributor may:

(1) Discontinue making a record of orders for coal or wood stoves placed by or with him after that day.

(2) Discontinue keeping invoices received for coal or wood stoves acquired by him after that day.

(3) Discontinue making a record of coal or wood stoves transferred or acquired by him after that day.

3. Section 4.4 (b) is added as follows:

(b) After the day on which a manufacturer has filled all orders for coal or wood stoves accompanied by certificates placed with him pursuant to section 14.3, he may discontinue keeping a record of coal or wood stoves produced, acquired or sold after that day.

4. Section 6.9 (b) (2) is amended to read as follows:

(2) If the transferee is a dealer or distributor and he does not have the consumer's certificate on hand, he must give the consumer a receipt, on OPA Form R-911, giving the information required by that form. The dealer or distributor must retain a copy of the receipt at his establishment until further notice by amendment of this order. He must surrender to the Board with which his establishment is registered a certificate for the type of stove transferred to him by the consumer; until he has done so he may not use any certificate for the purpose of acquiring that type of stove for inventory. He must note on his copy of the receipt the date when he gave up the certificate to the Board.

5. Section 6.9 (b) (3) is amended to read as follows:

(3) If the transferee is a manufacturer and he does not have the consumer's certificate on hand he must give the consumer a receipt on OPA Form R-911 giving the information required by that form and must include such transfer, as a purchase or return, in his report on Form WPB-3249 for the month in which the transfer is made, and must submit with that report a certificate for that type of stove. He must retain a copy of the receipt at his establishment until further notice by amendment of this order.

6. Section 6.9 (c) is amended to read as follows:

(c) *Application by consumer whose certificate is not returned.* A consumer who transfers a stove to a dealer, distributor or manufacturer and whose certificate is not returned to him by the transferee may, if he is still eligible, get a certificate from his Board for a stove to replace the one transferred. If the consumer makes the certification appearing at the bottom of the receipt on OPA Form R-911 obtained from the dealer, distributor or manufacturer to whom he transferred the stove, and the Board finds that the certification is correct, it shall issue a certificate for a stove to replace the one transferred. No receipt on OPA Form R-911 may be used to acquire a stove.

7. Section 6.10 (a) is amended to read as follows:

(a) *Return of consumer's certificate or surrender of receipt.* If a consumer has given up a certificate to a dealer, distributor or manufacturer with his order or contract for a stove, and the order or contract for the sale of the stove to the consumer is cancelled, before the consumer has acquired the stove, the person receiving the consumer's order or contract must promptly return the certificate to the consumer. Such a dealer or distributor must return the certificate even though he is indebted to his Board for a certificate for that type of stove. If the dealer, distributor, or manufacturer does not have on hand the consumer's certificate he must give the consumer a receipt, on OPA Form R-911, giving the information required by that form and he must retain a copy of the receipt at his establishment until further notice by amendment of this order. The dealer or distributor must surrender to the Board with which his establishment is regis-

[1] 8 F.R. 11564.

tered a certificate for the type of stove specified in the certificate received from the consumer; until he has done so he may not use any certificate for the purpose of acquiring that type of stove for inventory. He must note on his copy of the receipt given to the consumer, the date when he gave up the certificate to the Board.

8. Section 6.10 (b) is amended to read as follows:

(b) *Application by consumer whose certificate is not returned.* A consumer whose order or contract for a stove has been cancelled before he acquired the stove, and whose certificate is not returned to him may, if he is still eligible, get a certificate from his Board to replace the one which was not returned to him. If the applicant makes the certification appearing at the bottom of the receipt on OPA Form R–911 obtained from the dealer, distributor or manufacturer, when the order or contract was cancelled, and the Board finds that the certification is correct, it shall issue a certificate to replace the one it returned to him. No receipt on OPA Form R–911 may be used to acquire a stove.

This amendment shall become effective on June 25, 1945.

NOTE: All reporting and record-keeping requirements of this ration order have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–10929; Filed, June 21, 1945; 11:47 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 114]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In section 15, Appendix H, paragraph (b), Table 6, Maximum Prices for Sweet Peppers, footnote 6, the following paragraph is added:

During the period beginning June 21, 1945, and ending July 15, 1945, the Column 5 price for sweet peppers grown in California shall be for Item 2—$4.60 (per 1½ bushel crate): for Item 4—$3.05 (per bushel), and for Item 6—10.9 cents per pound.

This amendment shall become effective at 12:01 a. m. June 21, 1945.

Issued this 20th day of June 1945.

IVAN D. CARSON,
Acting Administrator.

Approved: June 19, 1945.

GROVER B. HILL,
First Assistant War Food Administrator.

[F. R. Doc. 45–10875; Filed, June 20, 1945; 4:43 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 115]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In section 15, Appendix H, paragraph (b), Table 8, Maximum Prices for Certain Berries, footnote reference 6 is added to items 10, 11, 12, 16, 17 and 18 in Column 5 and footnote 6 is amended to read as follows:

[6] During the period beginning June 21 and ending July 20, 1945, for red raspberries, blackberries and dewberries grown in Delaware, Maryland, New Jersey and Pennsylvania, the Column 5 prices shall be as follows:

Red Raspberries 26 cents per pint, 50 cents per quart and 32 cents per pound; black raspberries 24 cents per pint, 46 cents per quart and 29 cents per pound; and blackberries and dewberries 17 cents per pint and 33 cents per quart and 21 cents per pound.

This amendment shall become effective at 12:01 a. m. June 21, 1945.

Issued this 20th day of June 1945.

CHESTER BOWLES,
Administrator.

Approved: June 20, 1945.

GROVER B. HILL,
First Assistant War Food Administrator.

[F. R. Doc. 45–10876; Filed, June 20, 1945; 4:43 p. m.]

PART 1449—CHEMICAL TANNING MATERIALS

[MPR 352,[1] Amdt. 4]

CHESTNUT EXTRACT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 352 is amended in the following respects:

1. Section 2 (a) (1) (i) is amended by changing the schedule of maximum prices for two named sellers to read:

[Per 100 pounds]

	Tank cars or tank trucks	In barrels in carloads	In barrels in less than carloads
Champion Paper & Fibre Co.	$2.62	$3.22	$3.47
The Mead Corporation	2.62	3.22	3.47

2. Section 2 (b) (1) (i) is amended by changing the schedule of maximum prices for two named sellers to read:

[Per 100 pounds]

	In bags in carloads	In bags in less than carloads
Champion Paper & Fibre Co.	$7.46	$8.21
The Mead Corporation	7.46	8.21

[1] 7 F.R. 8875, 10476; 8 F.R. 3706.

This amendment shall become effective June 26, 1945.

Issued this 21st day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–10924; Filed, June 21, 1945; 11:49 a. m.]

Chapter XIX—Defense Supplies Corporation

[Rev. Reg. 3, Amdt. 4]

PART 7003—LIVESTOCK SLAUGHTER PAYMENTS

MISCELLANEOUS AMENDMENTS

1. Two new paragraphs are added to § 7003.1, reading as follows:

(aa) "CO 1" means Control Order No. 1, as amended, or as it may be amended from time to time by the Office of Price Administration.

(bb) "Quota base" means the quota base established for a slaughterer pursuant to CO 1.

2. Section 7003.2 (a) is amended to read as follows:

(a) Any person who has a license or is permitted to slaughter by WFO 75 or CO 1 and who slaughters 2,500 pounds or more of livestock, live weight, in any one calendar month after December 1944, may file a claim for payment on account of such livestock slaughtered on and after January 29, 1945. No person who kills livestock for the account of others is eligible to file a claim for payment on account of such livestock.

3. Section 7003.5 is amended to read as follows:

§ 7003.5 *Rates of payment.* — (a) *Calves, sheep and hogs.*—(1) *Prior to April 1, 1945.* Defense Supplies Corporation will make payment on approved basic claims covering slaughter of calves, sheep, lambs, hogs and pigs prior to April 1, 1945, at the following rates:

	Cents a pound
Calves	1.10
Sheep and lambs	.95
Hogs and pigs	1.30

(2) *On and after April 1, 1945.* Defense Supplies Corporation will make payment on approved basic claims covering slaughter of calves, sheep and lambs, hogs and pigs on and after April 1, 1945, at the following rates:

	Cents a pound
Calves	1.10
Sheep and lambs	.95
Hogs and pigs	1.70

(b) *Ungraded cattle of small slaughterers.* Defense Supplies Corporation will make payment on approved basic claims for cattle which do not report cattle by grades, from applicants who are not required to report cost of cattle, at the rate of one and one-tenth cents ($0.011) a pound.

(c) *Ungraded cattle of large slaughterers.* Defense Supplies Corporation will make payment on approved basic claims for cattle which do not report cattle by grades, of applicants who are required to report cost of cattle, at the rate of one-half of one cent ($.005) a pound.

This applies only to applicants who come under § 7003.7 (a) (3).

(d) *Government graded cattle.* Defense Supplies Corporation will make payment on approved basic claims for cattle which report cattle by grades as graded by an official grader of the United States Department of Agriculture, at the following separate grade rates:

(1) *Claims reporting cost.* On claims reporting cost of cattle in accordance with § 7003.7 (b):

	Cents a pound
AA or choice	3.00
A or good	2.95
B, commercial or medium	1.90
C, utility or common	1.25
D, or cutter and canner	1.25
Bulls of cutter and canner grade	1.25

(2) *Feeders and club cattle.* On claims of all applicants filed under § 7003.7 (d) (1) which do not report cost of cattle:

	Cents a pound
AA or choice	2.00
A or good	1.95
B, commercial or medium	.90
C, utility or common	.50
D, or cutter and canner	.50
Bulls of cutter and canner grade	.50

(e) *Self-graded cattle.* Defense Supplies Corporation will make payment on approved basic claims for cattle which report cattle by grades as graded by the applicant's own graders, if the applicant has an exemption to grade his own beef, at the applicable separate grade rates set out above in paragraph (d) of this section, but the total amount of the claim before deductions on account of cost of cattle under § 7003.6 (b) shall not exceed the total number of pounds, live weight, (less condemnations) of cattle slaughtered, multiplied by the following maxima:

(1) *Claims reporting cost.* One and nine-tenths cents ($0.019) on claims reporting cost of cattle.

(2) *Feeders and Club Cattle.* One and three-tenths cents ($0.013) on claims filed under § 7003.7 (d) (1) which do not report cost of cattle.

(f) *Extra compensation.* Defense Supplies Corporation will make payment on approved claims for extra compensation at the rate of four-tenths of one cent ($0.004) a pound.

4. Section 7003.6 (b) is amended to read as follows:

(b) *Deductions*—(1) *Price compliance.* Deductions will be made from all claims of an applicant on account of under- or overpayment for cattle in accordance with § 7003.8.

(2) *Within-range.* Deductions will be made from all basic claims reporting cost of cattle in accordance with § 7003.7 (c), of four-fifths of the dollar amount by which the total cost of cattle on the claim is below the maximum permissible cost; this deduction shall not exceed four-fifths of the difference between the maximum and minimum permissible costs, and shall not reduce the claims below an amount computed at the following rates:

	Cents a pound
AA or choice	1.80
A or good	1.75
B, commercial or medium	.70
C, utility or common	.25
D, cutter and canner	.25
Bulls of cutter and canner grade	.25

5. Section 7003.6 (c) is amended to read as follows:

(c) *Maximum base of payment*—(1) *Slaughter control bases.* Payments will not be made on claims covering accounting periods beginning on and after February 20, 1945, and ending on or before July 15, 1945, on a greater live weight of any class or species of livestock slaughtered by an applicant in any one non-federally inspected establishment than a specified percentage of the total live weight of such class or species of livestock for which the applicant filed subsidy claims with Defense Supplies Corporation covering slaughter in that establishment in the corresponding accounting period of 1944, *Provided*, That on certification to Defense Supplies Corporation by the War Food Administrator or the Office of Price Administration that the applicant is entitled to payment on a different live weight of any class or species of livestock, he will become entitled to payment on the live weight of his slaughter up to the specified percentage of the live weight certified to Defense Supplies Corporation by the War Food Administrator or the Office of Price Administration. Such percentages will be determined and announced from time to time.

(2) *Quota bases.* Payments will not be made on claims covering accounting periods ending after July 15, 1945, on a greater live weight of any class or species of livestock slaughtered by the applicant than a specified percentage of his quota base. Such percentages will be determined and announced from time to time.

This amendment shall be effective Monday, June 4, 1945.

Issued this 22d day of May, 1945.

(Section 5d of the Reconstruction Finance Corporation Act, as amended, 52 Stat. 212, 54 Stat. 573; 15 USC 606b; Defense Supplies Corporation Charter which appears at 6 F. R. 2972)

DEFENSE SUPPLIES CORPORATION,
By STUART K. BARNES,
Vice President.

[F. R. Doc. 45-10917; Filed, June 21, 1945; 11:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 281]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF NAVY DEPARTMENT AS ANTIAIRCRAFT FIRING RANGE

Correction

In Federal Register document 45-9694, appearing on page 6786 of the issue of Wednesday, June 6, 1945, the following changes should be made: The fifth line in the middle column should read "Sec. 29, NE¼NE¼, S½NE¼, and S½:". The seventeenth line should read "Sec. 21, N½, NE¼SW¼, and N½SE¼;".

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S.O. 308, Amdt. 1]

PART 95—CAR SERVICE

REFRIGERATION OF POTATOES IN ARIZONA AND CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of June, A. D. 1945.

Upon further consideration of Revised Service Order No. 308 (10 F.R. 7417) and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 308 (10 F.R. 7417) be, and it is hereby, amended by changing the Exception to paragraph (c) thereof to read as follows:

Exception: Potatoes shipped in bags, sacks or crates from California origins, consigned to the U. S. Army or the U. S. Navy, at California points, may be accorded initial icing only. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, sec. 4, 10, 54 Stat. 901, 912, 49 U.S.C. 1 (10)-(17) 15 (4))

It is further ordered, That this order shall become effective at 12:01 a. m., June 21, 1945; that copies of this order and direction shall be served upon the Railroad Commission of the State of California, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-10908; Filed, June 21, 1945; 10:55 a. m.]

[Rev. S.O. 311]

PART 95—CAR SERVICE

RESTRICTION OF INSPECTION OF CERTAIN GRAIN DESTINED FOR GULF PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of June, A. D. 1945.

It appearing, that there is a shortage of freight cars for transportation of wheat and sorghum grains; that carloads of wheat and sorghum grains originating in the States of Colorado, Kansas, New Mexico, Oklahoma, and Texas, destined Gulf ports New Orleans, La., and west thereof, consigned to Commodity Credit Corporation, are being delayed in transit for inspection at interior points and are again inspected at destination; that the Office of Defense Transportation has requested the inspection at intermediate points be prohibited to conserve the supply of freight cars;

in the opinion of the Commission an emergency requiring immediate action exists in the sections of the country described in this order. It is ordered, that:

(a) *Acceptance prohibited of cars of certain grain ordered inspected at interior points.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation a freight car loaded with wheat or sorghum grains originating in the States of Colorado, Kansas, New Mexico, Oklahoma, and Texas, consigned to Commodity Credit Corporation at Gulf ports New Orleans, La., and west thereof, when the bill of lading or shipping order covering such car requires a stop at any interior point for inspection.

(b) *Inspection at interior points prohibited on certain grain destined Gulf ports.* No common carrier by railroad subject to the Interstate Commerce Act, shall accept orders for the inspection of, or shall stop for inspection, a freight car, loaded with wheat or sorghum grains, at any interior point, which has been shipped from any origin point in the States of Colorado, Kansas, New Mexico, Oklahoma, or Texas, consigned or reconsigned to Commodity Credit Corporation at Gulf ports New Orleans, La., and west thereof.

(c) *Tariff provisions suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Announcement of suspension.* Each railroad, or its agent shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth herein.

(e) *Effective date.* This order shall become effective at 12:01 a. m., June 21, 1945.

(f) *Expiration date.* This order shall expire at 11:59 p. m., September 1, 1945, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-10909; Filed, June 21, 1945; 10:55 a. m.]

[S. O. 189, Amdt. 3 to Supp 2]

PART 97—ROUTING OF TRAFFIC

EMBARGO OF ROUTES AND TRANSIT ARRANGEMENTS ON GRAIN AND RELATED ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of June, A. D. 1945.

Upon further consideration of Service Order No. 189, Sup. 2 (10 F.R. 50) as amended (10 F.R. 2043, 2760) and good cause appearing therefor: *It is ordered,* That:

Service Order No. 189, Sup. 2 (10 F.R. 50) as amended (10 F.R. 2043, 2760), *Embargo of routes and transit arrangements on grain and related articles,* and Appendix A thereof, be, and it is hereby further amended in the following respects:

Sheet 5, paragraph 15, Illinois Central Railroad Company tariff I. C. C. No. 8362, Items 1325, 1330 and 1335 are eliminated.

The Illinois Central Railroad Company, 5 days before the effective date of this order shall publish, file, and post a supplement to its tariff affected hereby announcing the change in the embargo of routes and transit arrangements herein provided. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, That this amendment shall become effective at 12:01 a. m., June 28, 1945; that a copy of this amendment shall be served upon the Illinois Central Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-10907; Filed, June 21, 1945; 10:55 a. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Gen. Direction H-11]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

ALLOCATION OF HALIBUT

Pursuant to Order No. 1956 (10 F.R. 7262) of the Secretary of the Interior, as amended June 11, 1945, commonly referred to as the "Halibut Order" (50 CFR, 401.4) entitled "Allocation of Halibut", and in order to accomplish the purposes thereof, including, particularly, paragraph (d) (2) of that order, this General Direction No. H-11 is issued.

1. The Area Coordinator has determined that the following persons in British Columbia are participants in and conform to a voluntary program for the allocation of halibut which is in accord with the purposes and policy of the Halibut Order:

Booth Fisheries Corp.
B. C. Packers Ltd.
New England Fish Co.
Royal Fish Co.
Rupert Fish Co.
San Juan Fishing & Packing Co.
Whiz Fish Products Co.

2. In accordance with the Halibut Order, particularly paragraph (d) (2) thereof, fishermen subject to the terms of that order may sell or deliver or arrange to sell or deliver halibut in British Columbia to the persons named above.

3. Notice is hereby given that any fisherman from a vessel of American registry who, acting for himself or through an agent, sells of delivers or arranges to sell or deliver halibut to any person in British Columbia other than a person named above, will be guilty of a violation of that order and subject to the penalties provided for violations of that order.

Issued this 13th day of June 1945.

V. J. SAMSON,
Area Coordinator, Area I.

[F. R. Doc. 45-10883; Filed, June 20, 1945; 4:37 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

MILK RIVER PROJECT, MONT.

ORDER OF REVOCATION

MAY 3, 1945.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Milk River Project, the withdrawal of the hereinafter described land, withdrawn in the second form prescribed by section 3 of the act of June 17, 1902 (32 Stat. 388) by Departmental Order of February 9, 1903, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the land hereinafter listed be revoked: *Provided,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the land hereinafter listed.

MILK RIVER PROJECT

PRINCIPAL MERIDIAN, MONTANA

T. 31 N., R. 24 E.,
Sec. 5, Lot 1.

Respectfully.

H. W. BASHORE,
Commissioner.

I concur: May 25, 1945.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered.

The Commissioner of the General Land

Office is hereby authorized and directed to cause the records of his office and of the district land office to be noted accordingly.

MICHAEL W. STRAUS,
Assistant Secretary.

JUNE 8, 1945.

[F. R. Doc. 45-10884; Filed, June 20, 1945; 4:37 p. m.]

Office of the Secretary.

WIND RIVER RESERVATION, WYO.

ORDER OF RESTORATION

MAY 29, 1945.

Whereas, pursuant to the provisions of the act of March 3, 1905 (33 Stat. 1016), the Shoshone-Arapahoe Tribes of Indians in Wyoming ceded to the United States a large area of their reservation in the State of Wyoming, established under the Treaty of July 3, 1868 (15 Stat. 673), and

Whereas, within land use district No. 32 there remains certain undisposed-of ceded or "opened" land described as follows:

WIND RIVER MERIDIAN

LAND USE DISTRICT NO. 32

Description	*Acreage*
T. 8 N., R. 3 E.:	
Sec. 12, SW¼NW¼, S½	360.00
Sec. 13, N½, N½SW¼, SE¼	560.00
Sec. 24, NE¼NE¼	40.00
T. 8 N., R. 4 E.:	
Sec. 7, Lots 3 & 4, SE¼SW¼, SW¼SE¼	149.93
Sec. 17, S½NW¼, SW¼	240.00
Sec. 18, Lots 1, 2, 3, 4, E½NW¼, E½SW¼, SE¼, S½NE¼, NW¼NE¼	580.64
Sec. 19, Lot 1, NE¼NW¼, N½NE¼, SE¼NE¼	195.32
Sec. 20, NE¼SW¼, N½SE¼	120.00
Sec. 21, N½SW¼, SE¼SW¼, N½SE¼, SW¼SE¼	240.00
Sec. 22, NW¼SW¼	40.00
Sec. 28, NW¼NE¼	40.00
Sec. 29, NW¼NE¼	40.00
Total	2605.89

Whereas, no part of the land use district involved is under lease or permit to non-Indians, and

Whereas, the Shoshone-Arapahoe Tribes of Indians of the Wind River Reservation require additional grazing lands to support their expanded livestock industry, and

Whereas, the Superintendent of the Wind River Reservation and the Commissioner of Indian Affairs have recommended the restoration of the undisposed-of, ceded lands located within the aforesaid land use district.

Now, therefore, by virtue of authority vested in the Secretary of the Interior by section 5 of the act of July 27, 1939 (53 Stat. 1128-1130), I hereby find that restoration to tribal ownership of the lands described above, which are classified as undisposed-of, ceded lands of the Wind River Reservation, Wyoming, and which total 2,605.89 acres more or less, will be in the tribal interest, and they are hereby restored to tribal ownership for the use and benefit of the Shoshone-Arapahoe Tribes of Indians of the Wind River Reservation, Wyoming, and are added to and made a part of the existing Wind River Reservation, subject to any valid existing rights, and reserves. None of these lands are within any reclamation project.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 45-10885; Filed, June 20, 1945; 4:37 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-577]

KANSAS-COLORADO UTILITIES, INC.

ORDER FIXING DATE FOR FURTHER HEARING

JUNE 19, 1945.

Upon consideration of the application filed September 2, 1944, as supplemented May 10, 1945, by Kansas-Colorado Utilities, Inc. (Applicant), for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, to authorize Applicant's acquisition and operation of all the natural gas facilities of The Central Gas Utilities Company, which facilities are located in Baca and Prowers Counties, Colorado, and Stevens, Stanton, Hamilton and Grant Counties, Kansas; and

It appearing to the Commission that:

(a) Pursuant to the Commission's order of September 12, 1944, a public hearing was held commencing October 24, 1944, and, in accordance with the request of Applicant's counsel, was continued on October 25, 1944, subject to further order of the Commission, to afford the Applicant an opportunity to present additional evidence;

(b) On May 10, 1945, Applicant filed a supplement to the application, showing that its proposed financing and capital structure as set forth in the original application has been substantially changed, and submitting additional information.

The Commission orders that:

(A) The public hearing in this proceeding be resumed commencing on July 11, 1945, at 10:00 a. m., in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented in these proceedings;

(B) Interested State commissions may participate in said hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-10889; Filed, June 21, 1945; 10:06 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4935]

OESTERREICHISCHE MAGNESIT A. G.

In re: Patent No. 2,148,054 owned by Oesterreichische Magnesit A. G.

Under authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Oesterreichische Magnesit A. G. is a corporation maintaining its principal place of business in Austria and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Oesterreichische Magnesit A. G.;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

2,148,054; 2-21-39; Josef Berlek; Mortarless Brickwerk,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 17, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-10890; Filed, June 21, 1945; 10:26 a. m.]

[Vesting Order 4936]

ANTON FLETTNER

In re: United States Letters Patent No. 2,030,578 owned by Anton Flettner.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding;

1. That Anton Flettner is a resident of Germany and is a national of a foreign country (Germany);

2. That the property described in Paragraph 3 hereof is property of Anton Flettner;

3. That the property described as follows: All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

2,030,578; 2-11-36; Anton Flettner; Aircraft,

is property of a national of a foreign county (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 18, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-10891; Filed, June 21, 1945; 10:26 a. m.]

[Vesting Order 4937]

ADOLF SCHNURLE

In re: Patent No. 2,096,203 owned by Adolf Schnurle.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Adolf Schnurle is a resident of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Adolf Schnurle;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventors and Title

2,096,203; 10-19-37; Adolf Schnurle and Otto Elwert; Regulating device for internal combustion engines,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 18, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-10892; Filed, June 21, 1945; 10:26 a. m.]

[Vesting Order 4941]

DEUTSCHE HOLLERITH MASCHINEN GESELLSCHAFT MIT BESCHRANKTER HAFTUNG ET AL.

In re: Patent and interest of Deutsche Hollerith Maschinen Gesellschaft mit beschrankter Haftung in agreements with The Tabulating Machine Company and International Business Machines Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Michael Maul is a resident of Germany and is a national of a foreign country (Germany);

2. That Deutsche Hollerith Maschinen Gesellschaft mit beschrankter Haftung is a corporation organized under, and existing by virtue of, the laws of Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5 (a) hereof is property of Michael Maul and/or Deutsche Hollerith Maschinen Gesellschaft mit beschrankter Haftung;

4. That the property described in subparagraph 5 (b) hereof is property of Deutsche Hollerith Maschinen Gesellschaft mit beschrankter Haftung;

5. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 24, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,146,307; 2-7-39; Michael Maul; Addressing machine with counter.

(b) All interests and rights (including all royalties and other monies payable or held

with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Deutsche Hollerith Maschinen Gesellschaft mit beschrankter Haftung by virtue of an agreement dated November 22, 1910 by and between The Tabulating Machine Company and Deutsche Hollerith Maschinen Gesellschaft mit beschrankter Haftung (including all modifications thereof and supplements thereto, including but not by way of limitation, agreements dated March 18, 1914 and November 24, 1919 by the parties to the original agreement and an agreement dated September 25, 1934 between the International Business Machines Corporation and Deutsche Hollerith Maschinen Gesellschaft mit beschrankter Haftung), which agreement relates, among other things, to United States Letters Patent No. 2,294,680.

[F. R. Doc. 45-10893; Filed, June 21, 1945; 10:26 a. m.]

[Vesting Order 4942]

WALTHER DUISBERG

In re: Patents standing of record in the name of Walther Duisberg.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That I. G. Farbenindustrie A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie A. G.;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person; firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor and Title

2,065,175; 12-22-36; Otto Eisenhut, Hanns Rein & E. Kaupp; Manufacture of artificial silk,

2,171,427; 8-29-39; John Eggert & B. Wendt; Wrapping material,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 24, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-10894; Filed, June 21, 1945; 10:26 a. m.]

[Vesting Order 4944]

COMET TOOLS, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Robert Breuning, whose last known address is Berlin, Germany, is a national of a designated enemy country (Germany);

2. That Komet-Stahlhalter und Werkzeugfabrik, Robert Breuning of Berlin, Germany, whose principal place of business is Berlin, Germany, is a national of a designated enemy country (Germany);

3. That all of the outstanding capital stock of Comet Tools, Inc., a corporation organized and doing business under the laws of the State of New York and a business enterprise within the United States, consisting of 42 shares of $100 par value common stock, is registered in the names of the following persons in the number appearing opposite each name and is beneficially owned by Robert Breuning and is evidence of control of said business enterprise:

Name:	*Number of shares*
Max Breuning	26
Hans Schroeder	16
Total	42

4. That Komet-Stahlhalter und Werkzeugfabrik, Robert Breuning of Berlin, Germany, has a claim against Comet Tools, Inc., in the amount of $5,827.16 as of November 3, 1943, which is represented on the books of Comet Tools, Inc., as an account payable, subject, however, to any accruals or deductions subsequent thereto, and represents an interest in Comet Tools, Inc.;

5. That Komet-Stahlhalter und Werkzeugfabrik, Robert Bruening of Berlin, Germany, is the owner of the property described in subparagraph 6 hereof;

6. That the property described as follows: High speed bearing tools in the possession of Comet Tools, Inc., including but not limited to the following:

2—#0-4 int. threading tools, 55°.
9—#0-5 int. threading tools.
2—#0-6 int. threading tools.
2—#1-A int. threading tools.
4—#3 int. threading tools.
2—#4 int. threading tools.
4—#0-1 facing tools, 1 longer.
33—#0-2 facing tools, standard length.
33—#0-2 int. threading tools, 60°.
14—#0-3 boring tools.
23—#0-3 int. threading tools, 60°.
49—#0-1 facing tools.

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

and determining:

7. That Comet Tools, Inc., is controlled by Robert Breuning and Komet-Stahlhalter und Werkzeugfabrik, Robert Breuning of Berlin, Germany, or is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

8. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 42 shares of common capital stock of Comet Tools, Inc., described in subparagraph 3 hereof, the interest of Komet-Stahlhalter und Werkzeugfabrik, Robert Breuning of Berlin, Germany, in Comet Tools, Inc., described in subparagraph 4 hereof and the property described in subparagraph 6 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held in behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein

shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 24, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-10895; Filed, June 21, 1945; 10:26 a. m.]

[Vesting Order 4945]

COMET TOOL CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 4944, dated May 24, 1945 that Comet Tools, Inc., Robert Breuning, and Komet-Stahlhalter und Werkzeugfabrik, Robert Breuning of Berlin, Germany, are nationals of a designated enemy country (Germany);

2. Finding that Max Breuning and Hans Schroeder, co-partners doing business as Comet Tool Company, are acting directly or indirectly for the benefit or on behalf of Comet Tools, Inc., Robert Breuning and Komet-Stahlhalter und Werkzeugfabrik, Robert Breuning of Berlin, Germany, or a designated enemy country (Germany) or persons within such country;

3. Finding that the property and assets of Comet Tool Company, a partnership consisting of Max Breuning and Hans Schroeder doing business in the State of New York and a business enterprise within the United States, are beneficially owned by Comet Tools, Inc.;

and determining:

4. That Max Breuning and Hans Schroeder, co-partners doing business as Comet Tool Company are controlled by Comet Tools, Inc., Robert Breuning and Komet-Stahlhalter und Werkzeugfabrik, Robert Bruening of Berlin, Germany, or are acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all right, title and interest of Comet Tools, Inc., Robert Breuning, Komet-Stahlhalter und Werkzeugfabrik, Robert Breuning of Berlin, Germany, Max Breuning and Hans Schroeder, in and to Comet Tool Company, a partnership, and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said Comet Tool Company, including but not limited to a certain bank account maintained with the Manufacturers Trust Company, 32 University Place, New York, New York, which account is due and owing to, and held for and in the name of, Comet Tool Company, and any and all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 24, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-10896; Filed, June 21, 1945; 10:26 a. m.]

[Vesting Order 5020]

EMIL APPENZELLER

In re: Estate of Emil Appenzeller, deceased; File No. D-66-1631; E. T. sec. 10094.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Karl Voehringer and Kurt Ehrenreich Voehringer, and each of them, in and to the estate of Emil Appenzeller, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Karl Voehringer, Germany.
Kurt Ehrenreich Voehringer, Germany.

That such property is in the process of administration by the Public Administrator of New York County, as administrator of the Estate of Emil Appenzeller, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 14, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-10897; Filed, June 21, 1945; 10:27 a. m.]

[Vesting Order 5021]

DOROTHEA EGRESICH

In re: Estate of Dorothea Egresich, deceased; File D-34-807; E. T. sec. 12506.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Anna Engresits, Theresa Engresich, Anna Engresits, John Engresich, Vincent Engresich and Alexander Engresich, and each of them, in and to the estate of Dorothea Egresich, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Anna Engresits, Hungary.
Theresa Engresich, Hungary.
Anna Engresits, Hungary.
John Engresich, Hungary.
Vincent Engresich, Hungary.
Alexander Engresich, Hungary.

That such property is in the process of administration by Mary Firtl, as administratrix of the Estate of Dorothea Egresich, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 14, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-10898; Filed, June 21, 1945; 10:27 a. m.]

[Vesting Order 5022]

CILI EISNER

In re: Estate of Cili Eisner, also known as Celie Eisner, Celia K. Eisner, Celia Eisner and Cili Klein, deceased; D–34–758; E. T. Sec. 11052.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Margaret Klein in and to the Estate of Cili Eisner, also known as Celie Eisner, Celia K. Eisner, Celia Eisner and Cili Klein, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National and Last Known Address

Margaret Klein, Hungary.

That such property is in the process of administration by Fanny Levy and Hugo Klein, as Co-executors, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 14, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-10899; Filed, June 21, 1945; 10:27 a. m.]

[Vesting Order 5023]

ROSA EMMERICH

In re: Estate of Rosa Emmerich, deceased; File No. D–28–8271; E. T. sec. 9432.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Edward Emmerich and Elsie Emmerich, and each of them, in and to the estate of Rosa Emmerich, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Edward Emmerich, Germany.
Elsie Emmerich, Germany.

That such property is in the process of administration by John E. Eckert, as executor of the estate of Rosa Emmerich, acting under the judicial supervision of the Probate Court, County of York, State of Maine;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 14, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-10900; Filed, June 21, 1945; 10:27 a. m.]

[Supplemental Vesting Order 5025]

HENRY J. KRUISKAMP

In re: Estate of Henry J. Kruiskamp, deceased; File D–28–3868; E. T. sec. 6610.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Hendrika Hamburg, Gerrit W. Sondermann and Mannus Sondermann, and each of them, in and to the Estate of Henry J. Kruiskamp, deceased, including but not limited to the sum of $22.50 in the possession and custody of the County Treasurer in and for the County of Allegan, Michigan, deposited for the benefit of Hendrika Hamburg, Gerrit W. Sondermann and Mannus Sondermann, pursuant to an order of the Probate Court for the County of Allegan, dated May 16, 1945, in the Estate of Henry J. Kruiskamp, deceased, subject, however, to any lawful commission of the Treasurer in and for the County of Allegan, Michigan,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hendrika Hamburg, Germany.
Gerrit W. Sondermann, Germany.
Mannus Sondermann, Germany.

That such property is in the process of administration by the Treasurer of Allegan County, Michigan, as Custodian and Depositary, acting under the judicial supervision of the Probate Court of Allegan County, Allegan, Michigan;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 14, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–10901; Filed, June 21, 1945; 10:27 a. m.]

[Vesting Order 5026]

FRANZISKA LANGER

In re: Estate of Franziska Langer, deceased; File D–28–8844; E. T. sec. 10896.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Helen Roethig, Zidonia Grundman, Toni Zimmerman, Walter Roethig, Ernest Roethig, Anna Bosin and Frieda Pichang, and each of them, in and to the Estate of Franziska Langer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Helen Roethig, Germany.
Zidonia Grundman, Germany.
Toni Zimmerman, Germany.
Walter Roethig, Germany.
Ernest Roethig, Germany.
Anna Bosin, Germany.
Frieda Pichang, Germany.

That such property is in the process of administration by William Loev, as Executor, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 14, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–10902; Filed, June 21, 1945; 10:27 a. m.]

[Vesting Order 5027]

HEDWIG LEDERMAN, ET AL.

In re: In the matter of the trust for Hedwig Lederman, et al.; File D–28–8868; E. T. sec. 10996.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Hedwig Lederman, Rosalie (Rachel) Schlamm (Schramm), Sarah (Selma) Brahn, Frieda Weiss and Gertrude Hartman, and each of them, in and to the trust created by Order of the Probate Court of Marion County, Ohio, pursuant to Section 10506–78 of the General Code of the State of Ohio, in the matter of the Estate of Morris Lederman, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hedwig Lederman, Germany.
Rosalie (Rachel) Schlamm (Schramm), Germany
Sarah (Selma) Brahn, Germany.
Frieda Weiss, Germany.
Gertrude Hartman, Germany.

That such property is in the process of administration by Samuel Rosenberg, 216 Hane Avenue, Marion, Ohio, as Trustee of the estate of Morris Lederman, deceased, acting under the judicial supervision of the Probate Court of Marion County, Ohio;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu

thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 14, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–10903; Filed, June 21, 1945; 10:27 a. m.]

[Vesting Order 5028]

BELLA ORTON

In re: Trust under the will of Bella Orton, deceased; File No. D–28–8891; E. T. sec. 11081.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Frieda Karpe in and to the trust under the Will of Bella Orton, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Frieda Karpe, Germany,

That such property is in the process of administration by Lillie M. Stern, as Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 14, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–10904; Filed, June 21, 1945; 10:27 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev.–352, Revocation]

TULSA AND OKLAHOMA CITY, OKLA.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of an application for revocation of Supplementary Order ODT 3, Revised–352 (9 F.R. 12140), filed with the Office of Defense Transportation by carriers subject thereto, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised–352, be, and it hereby is, revoked, effective June 26, 1945.

Issued at Washington, D. C., this 21st day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45–10859; Filed, June 20, 1945; 3:59 p. m.]

[Supp. Order ODT 3, Rev. 733]

NORTH CAROLINA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action

[1] Filed as part of the original document.

hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective June 26, 1945. and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 21st day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

J. H. Burgess, doing business as J. H. Burgess Transfer Co., Leaksville, N. C.

W. H. McBride and R. N. McBride, copartners, doing business as McBride & McBride, Leaksville, N. C.

[F. R. Doc. 45-10860; Filed, June 20, 1945; 4:00 p. m.]

[Supp. Order ODT 3, Rev. 734]

ALBUQUERQUE, N. MEX., AND DENVER, COLO.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective June 26, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 21st day of June 1945..

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

George C. Lebeck, doing business as Los Angeles-Albuquerque Express, Los Angeles, Calif.

Navajo Express, Inc., Albuquerque, N. Mex.

The Santa Fe Trail Transportation Co., Wichita, Kans.

[F. R. Doc. 45-10861; Filed, June 20, 1945; 4:00 p. m.]

[Supp. Order ODT 3, Rev. 735]

CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, ILLINOIS, INDIANA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, MICHIGAN, NORTH CAROLINA, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, OHIO, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, VIRGINIA, VERMONT, WEST VIRGINIA AND THE DISTRICT OF COLUMBIA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the suc-

[1] Filed as part of the original document.

cessful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective June 26, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 21st day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Clarence C. Curth, doing business as L. Curth & Sons, Brooklyn, N. Y.
Kay Moving Service, Inc., New York, N. Y.
Beisner Storage Co., Inc. Bronx, N. Y.
Vincent H. Schnurr, doing business as Rosebank Storage Warehouse, Rosebank, Staten Island, N. Y.

[F. R. Doc. 45-10862; Filed, June 20, 1945; 4:00 p. m.]

[Supp. Order ODT 3, Rev. 736]

CONNECTICUT

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6773), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the

[1] Filed as part of the original document.

Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective June 26, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 21st day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Hartford Transportation Co., Inc., Hartford, Conn.
Connecticut Transfer, Inc. New Haven, Conn.

[F. R. Doc. 45-10863; Filed, June 20, 1945; 4:00 p. m.]

[Supp. Order ODT 3, Rev. 737]

LOUISVILLE, KY., AND CINCINNATI, OHIO

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective June 26, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 21st day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

The Silver Fleet Motor Express, Inc., Louisville, Ky.
Meeks Motor Freight, Louisville, Ky.

[F. R. Doc. 45-10864; Filed, June 20, 1945; 3:59 p. m.]

[Supp. Order ODT 3, Rev. 738]

ST. LOUIS, MO., AND SPRINGFIELD, ILL.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs,

[1] Filed as part of the original document.

setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective June 26, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washigton, D. C., this 21st day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

APPENDIX 1

Viking Freight Company, St. Louis, Mo.
Peoria Cartage Company, Peoria, Ill.

[F. R. Doc. 45-10865; Filed, June 20, 1945; 3:59 p. m.]

[Supp. Order ODT 20A-114, Amdt. 2]

INTERNATIONAL FALLS, MINN., AREA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a petition to substitute Lonney Mathews, doing business as Diamond Taxi Company, International Falls, Minnesota, in lieu of Wilbur Simmons, doing business as Diamond Taxi Company, International Falls, Minnesota, as a party to Supplementary Order ODT 20A-114, as amended, (9 F.R. 5278 and 10 F.R. 2772) and good cause appearing therefor, *It is hereby ordered,* That:

1. Supplementary Order ODT 20A-114, as amended, be, and it is hereby, further amended by substituting Lonney Mathews, doing business as Diamond Taxi Company, in lieu of Wilbur Simmons, doing business as Diamond Taxi Company, and

2. Lonney Mathews, doing business as Diamond Taxi Company, on and after the effective date of this amendment, shall perform, subject to the provisions of such order, the functions of Wilbur Simmons, as described in the plan for joint action effectuated by, and made a part of, that order.

This amendment shall become effective June 28, 1945.

Issued at Washington, D. C., this 21st day of June 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

[F. R. Doc. 45-10866; Filed, June 20, 1945; 3:59 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 64, Amdt. 1 to Order 175]

GENERAL MOTORS CORPORATION

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 7 and 11 of Maximum Price Regulation No. 64; *It is ordered:* That Order No. 175 under Maximum Price Regulation No. 64 is amended in the following respect:

Paragraph (b) is amended to read as follows:

(b) At the time of or prior to the first invoice to each purchaser for resale after the effective date of this order the Frigidaire Division, General Motors Corporation and each wholesale distributor shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form. In addition, the Frigidaire Division, General Motors Corporation prior to shipment of any range covered by this order to a retail dealer shall cause to be attached securely to the outside panel of the oven door of each range a label showing the manufacturer, the brand name and model number of the range, its OPA retail ceiling price, and a statement that the zone limits are on file with the Office of Price Administration. The label shall also contain a statement that the ceiling price as shown on the label include Federal excise tax, a one year warranty, delivery and installation with connection to the electric facilities provided by the purchaser. The label shall also state whether the sale to the retail dealer was made by a factory owned branch. This label may not be removed until after the range has been sold to an ultimate consumer.

This amendment shall become effective on the 20th day of June 1945.

Issued this 20th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10878; Filed, June 20, 1945; 4:43 p. m.]

[RMPR 136, Order 460]

GENERAL MOTORS CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 460 Under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment GMC Truck and Coach Division, General Motors Corporation. Docket No. 6083-136.21-324.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, and section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) GMC Truck and Coach Division, General Motors Corporation, 660 South Boulevard, East, Pontiac, Michigan, is authorized to sell the truck model listed in subparagraph (1), produced under the War Production Board's allocation to GMC Truck and Coach Division for 1945 production of 2106 units of ½-ton commercial truck models, at a price not to exceed the list price in subparagraph (1), adjusted as provided in that sub-

paragraph, plus the applicable charges in subparagraph (2):

(1) *List price.* The following list price, f. o. b. factory, to which shall be applied the seller's discount in effect on March 31, 1942, to the applicable class of purchaser:

Model No.	Description	List price f. o. b. factory
CC-102	Chassis, truck, ½-ton commercial, 125¼" wheelbase; equipped with Type 1574 Driver's Cab, and Type 1595 Pickup Body; 1942 standard specifications and equipment except that it is equipped with four synthetic tires of base tire size.....	$848

(2) *Charges.* (i) A charge for extra, special and optional equipment which shall not exceed the list price, or established price, in effect on March 31, 1942, less the discount in effect on that date applicable to the class of purchasers, for such equipment when sold as original equipment;

(ii) A charge to cover handling and delivery expense computed in accordance with seller's method in effect on March 31, 1942;

(iii) A charge to cover freight expense based on current freight rates and computed in accordance with the seller's method in effect on March 31, 1942;

(iv) A charge to cover the federal excise tax on tires and tubes and other federal excise taxes, and state and local taxes, on the vehicle being sold, computed in accordance with seller's method in effect on March 31, 1942.

(b) A reseller of GMC motor trucks, may sell, delivered at reseller's place of business, the truck model listed in subparagraph (1) of paragraph (a), produced under the War Production Board's allocation to GMC Truck and Coach Division for 1945 production of 2106 units of ½-ton commercial truck models, at a price not to exceed the total of the list price in subparagraph (1) of paragraph (a) and the applicable charges in subparagraph (1) below, less the discounts the reseller had in effect on March 31, 1942, to the applicable class of purchaser.

(1) *Charges.* (i) A charge for extra, special and optional equipment which shall not exceed the charge the reseller had in effect for this equipment on March 31, 1942, to the applicable class of purchaser, when sold as original equipment;

(ii) A charge for transportation which shall not exceed the charge GMC Truck and Coach Division would make for the transportation of the truck to the place of business of the reseller;

(iii) A charge to cover federal, state and local taxes on his purchase, sale, or delivery of the truck, computed in accordance with the reseller's method in effect on March 31, 1942;

(iv) The reseller's charge in effect on March 31, 1942, for handling and delivery;

(v) The dollar amount of all other charges or allowances which the reseller had in effect on March 31, 1942, to the applicable class of purchaser.

(c) In the case of a reseller who cannot establish a price under paragraph (b) because he was not in business on Mach 31, 1942, his maximum price shall be a total of the following:

(1) The list price, f. o. b. factory, in subparagraph (1) of paragraph (a);

(2) The original equipment retail charge that GMC Truck and Coach Division, General Motors Corporation, suggested on March 31, 1942, to resellers as a charge to be made by resellers, to the applicable class of purchasers, for extra, special and optional equipment attached to the truck as original equipment;

(3) A charge for transportation which shall not exceed the charge that GMC Truck and Coach Division would make for transportation of the truck to the place of business of the reseller;

(4) The amount GMC Truck and Coach Division, in accordance with its March 31, 1942, method, charges the reseller as an allowance to cover the Federal excise tax on tires and tubes and other Federal excise taxes, and the amount of the reseller's expense for State and local taxes assessed on the vehicle;

(5) A charge to cover the reseller's handling and delivery expense not to exceed the amount of this expense to the reseller.

(d) A reseller of GMC motor trucks in any of the territories or possessions of the United States is authorized to sell the truck described in paragraph (a), at a price not to exceed the applicable maximum price established in paragraph (b) or (c), to which it may add a sum equal to the expenses incurred by or charged to it for payment of territorial and insular taxes on the purchase, sale, or introduction of the truck; export premium; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(e) All requests in the application not granted in this order are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

NOTE: Where the manufacturer has an established price in accordance with Section 8 of Revised Maximum Price Regulation 136 which is different than a price permitted under paragraph (a) because of substantial changes in design, specifications or equipment of the truck, the reseller may add to its price under paragraph (b), (c), or (d) any increase in price to it over the price it would otherwise pay under paragraph (a), plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (a) the reseller must reduce its price under paragraph (b), (c), or (d) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective June 20, 1945.

Issued this 20th day of June 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-10879; Filed, June 20, 1945; 4:43 p. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register June 18, 1945.

REGION I

Boston Order G-2, Amendment 10, covering certain food items. Filed 3:51 p. m.

Boston Order 7-F, Amendment 3, covering fresh fruits and vegetables in the Boston Area. Filed 3:46 p. m.

Boston Order 8-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:49 p. m.

Boston Order 9-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:51 p. m.

Boston Order 10-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:50 p. m.

Boston Order 11-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:50 p. m.

Boston Order 12-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:49 p. m.

REGION II

Binghamton Order 2-F, Amendment 36, covering fresh fruits and vegetables in certain areas in New York. Filed 3:41 p. m.

Buffalo Order 3-F, Amendment 13, covering fresh fruits and vegetables in certain areas in New York. Filed 3:41 p. m.

Buffalo Order 4-F, Amendment 13, covering fresh fruits and vegetables in certain areas in New York. Filed 3:41 p. m.

Harrisburg Order 2-F, Amendment 25, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:41 p. m.

Harrisburg Order 2-F, Amendment 26, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:41 p. m.

Wilmington Order 4-F, Amendment 38, covering fresh fruits and vegetables in certain areas in Delaware. Filed 3:40 p. m.

Williamsport Order 2-F, Amendment 41, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:40 p. m.

REGION III

Charleston Order 7-F, Amendment 15, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:46 p. m.

Charleston Order 9-F, Amendment 15, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:46 p. m.

Charleston Order 10-F, Amendment 15, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:45 p. m.

Charleston Order 11-F, Amendment 15, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:45 p. m.

Charleston Order 15-F, Amendment 11, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:45 p. m.

Charleston Order 16-F, Amendment 11, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:45 p. m.

Charleston Order 17-F, Amendment 11, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:45 p. m.

REGION IV

Memphis Order 1-C, Amendment 2, covering poultry in certain areas in Tennessee. Filed 3:42 p. m.

Memphis Order 2–C, Amendment 2, covering poultry in certain areas in Tennessee. Filed 3:43 p. m.

Memphis Order 3–F, Amendment 2, covering poultry in certain areas in Tennessee. Filed 3:42 p. m.

Memphis Order 4–F, Amendment 2, covering poultry in certain areas in Tennessee. Filed 3:42 p. m.

Memphis Order 7–F, Amendment 11, covering fresh fruits and vegetables in certain areas in Tennessee. Filed 3:44 p. m.

Savannah Order 7–F, Amendment 34, covering fresh fruits and vegetables in certain counties in Georgia. Filed 3:44 p. m.

Savannah Order 9–F, Amendment 34, covering fresh fruits and vegetables in certain counties in Georgia. Filed 3:44 p. m.

Savannah Order 10–F, Amendment 34, covering fresh fruits and vegetables in certain counties in Georgia. Filed 3:43 p. m.

REGION V

Little Rock Order 1–F, Amendment 18, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 3:38 p. m.

New Orleans Order 2–F, Amendment 77, covering fresh fruits and vegetables in certain counties in Louisiana. Filed 3:38 p. m.

New Orleans Order 27–C, Amendment 6, covering poultry in certain areas in Louisiana. Filed 3:38 p. m.

New Orleans Order 28–C, Amendment 6, covering poultry in certain areas in Louisiana. Filed 3:37 p. m.

REGION VI

Omaha Order 10–F, Amendment 14, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 3:43 p. m.

Omaha Order 11–F, Amendment 15, covering fresh fruits and vegetables in Lincoln, Nebraska. Filed 3:43 p. m.

Omaha Order 12–F, Amendment 5, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 3:43 p. m.

Sioux Falls Order 4–W, Amendment 3, covering dry groceries in certain areas in Minnesota, South Dakota. Filed 3:36 p. m.

Sioux Falls Order 16, Amendment 4, covering dry groceries in certain areas in Minnesota and South Dakota. Filed 3:37 p. m.

REGION VII

Utah Order 5–W, covering dry groceries in the Salt Lake-Ogden-Provo Area. Filed 3:39 p. m.

Utah Order 20, covering dry groceries in the Salt Lake-Ogden-Provo Area. Filed 3:38 p. m.

Salt Lake City Order 2–C, Amendment 3, covering poultry in the state of Utah. Filed 3:36 p. m.

Salt Lake City Order 25, covering dry groceries in the state of Utah. Filed 3.29 p. m.

REGION VIII

Portland Order 20, Amendment 7, covering dry groceries in certain cities in Oregon. Filed 3:25 p. m.

Portland Order 27, Amendment 4, covering dry groceries in certain areas in Oregon. Filed 3:35 p. m.

Portland Order 28, Amendment 5, covering dry groceries in certain areas in Oregon. Filed 3:35 p. m.

Portland Order 29, Amendment 3, covering dry groceries in certain areas in Oregon. Filed 3:34 p. m.

Portland Order 30, Amendment 5, covering dry groceries in certain areas in Oregon. Filed 3:34 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–10873; Filed, June 20, 1945; 4:42 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register June 19, 1945.

REGION I

Rhode Island Order 3–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Rhode Island. Filed 10:15 a. m.

REGION II

Newark Order 16, Amendment 1, covering dry groceries in certain areas in New Jersey. Filed 10:20 a. m.

Newark Order 17, Amendment 1, covering dry groceries in certain areas in New Jersey. Filed 10:20 a. m.

Williamsport Order 24, Amendment 1, covering dry groceries in certain counties in Pennsylvania. Filed 10:23 a. m.

REGION III

Escanaba Order 42, Amendment 2, covering dry groceries in certain areas in Michigan and Wisconsin. Filed 10:20 a. m.

REGION V

Oklahoma City Order 3–F, Amendment 56, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:23 a. m.

Oklahoma City Order 3–F, Amendment 57, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:23 a. m.

Oklahoma City Order 3–F, Amendment 59, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:23 a. m.

REGION VI

Chicago Order 2–F, Amendment 65, covering fresh fruits and vegetables in certain counties in Illinois and Lake County, Indiana. Filed 10:20 a. m.

Milwaukee Order 3–W, covering dry groceries in certain areas in Wisconsin. Filed 10:22 a. m.

Milwaukee Order 3–W, Amendment 1, covering dry groceries in Racine and Kenosha. Filed 10:22 a. m.

Milwaukee Order 3–W, Amendment 2, covering dry groceries in Racine and Kenosha. Filed 10:22 a. m.

Milwaukee Order 12, covering dry groceries in certain areas in Wisconsin. Filed 10:22 a. m.

Milwaukee Order 12, Amendment 1, covering dry groceries in Racine and Kenosha. Filed 10:21 a. m.

Milwaukee Order 12, Amendment 2, covering dry groceries in Racine and Kenosha. Filed 10:21 a. m.

REGION VIII

Portland Order 7–F, Amendment 26, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:27 a. m.

Portland Order 8–F, Amendment 26, covering fresh fruits and vegetables in Medford, Oregon. Filed 10:27 a. m.

Portland Order 9–F, Amendment 26, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:27 a. m.

Portland Order 10–F, Amendment 25, covering fresh fruits and vegetables in Kelso, W. Kelso and Longview, Washington. Filed 10:27 a. m.

Portland Order 12–F, Amendment 23, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:27 a. m.

Portland Order 13–F, Amendment 23, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:27 a. m.

Portland Order 14–F, Amendment 23, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:26 a. m.

Portland Order 15–F, Amendment 23, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:26 a. m.

Portland Order 16–F, Amendment 16, covering fresh fruits and vegetables in Bend, Oregon. Filed 10:26 a. m.

Portland Order 17–F, Amendment 16, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:26 a. m.

Portland Order 19–F, Amendment 14, covering fresh fruits and vegetables in Dalles, Oregon. Filed 10:26 a. m.

Portland Order 20–F, Amendment 14 covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:26 a. m.

Portland Order 21–F, Amendment 14, covering fresh fruits and vegetables in Pendleton, Oregon. Filed 10:26 a. m.

Portland Order 22–F, Amendment 14, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:25 a. m.

Portland Order 27–F, Amendment 12, covering fresh fruits and vegetables in La Grande and Baker, Oregon. Filed 10:25 a. m.

Portland Order 28–F, Amendment 12, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:25 a. m.

Portland Order 29–F, Amendment 10, covering fresh fruits and vegetables in certain cities in Oregon. Filed 10:25 a. m.

Portland Order 30–F, Amendment 3, covering fresh fruits and vegetables in certain cities in Washington and Oregon. Filed 10:25 a. m.

Portland Order 31–F, Amendment 1, covering fresh fruits and vegetables in Hood River-Clatskanie-McMinnville, Oregon Area. Filed 10:24 a. m.

San Diego Order 3–F, Amendment 17, covering fresh fruits and vegetables in certain areas in Imperial County. Filed 10:24 a. m.

San Diego Order 12, Amendment 1, covering dry groceries in Imperial County, California. Filed 10:24 a. m.

Seattle Order 6–F, Amendment 37, covering fresh fruits and vegetables in Seattle and Bremerton, Washington. Filed 10:15 a. m.

Seattle Order 7–F, Amendment 34, covering fresh fruits and vegetables in Tacoma, Washington. Filed 10:16 a. m.

Seattle Order 8–F, Amendment 32, covering fresh fruits and vegetables in Everett, Washington. Filed 10:16 a. m.

Seattle Order 9–F, Amendment 37, covering fresh fruits and vegetables in Seattle and Bremerton, Washington. Filed 10:16 a. m.

Seattle Order 10–F, Amendment 31, covering fresh fruits and vegetables in Bellingham, Washington. Filed 10:16 a. m.

Seattle Order 11–F, Amendment 31, covering fresh fruits and vegetables in Olympia, Washington. Filed 10:16 a. m.

Seattle Order 12–F, Amendment 31, covering fresh fruits and vegetables in Aberdeen and Hoquiam, Washington. Filed 10:17 a. m.

Seattle Order 13–F, Amendment 32, covering fresh fruits and vegetables in Centralia and Chehalis, Washington. Filed 10:17 a. m.

Seattle Order 14–F, Amendment 33, covering fresh fruits and vegetables in Wenatchee, Washington. Filed 10:17 a. m.

Seattle Order 15–F, Amendment 30, covering fresh fruits and vegetables in Yakima, Washington. Filed 10:17 a. m.

Spokane Order 1–O, Amendment 2, covering eggs in Spokane, Washington. Filed 10:17 a. m.

Spokane Order 8–F, Amendment 19, covering fresh fruits and vegetables in Spokane County, Washington. Filed 10:20 a. m.

Spokane Order 9–F, Amendment 19, covering fresh fruits and vegetables in Kootenai County, Idaho. Filed 10:19 a. m.

Spokane Order 10–F, Amendment 18, covering fresh fruits and vegetables in Shoshone and Kootenai Counties, Idaho. Filed 10:19 a. m.

Spokane Order 10–F, Amendment 18, covering fresh fruits and vegetables in Shoshone and Kootenai Counties, Idaho. Filed 10:19 a. m.

Spokane Order 11–F, Amendment 18, covering fresh fruits and vegetables in Latah County, Idaho, and Whitman County, Washington. Filed 10:18 a. m.

Spokane Order 12–F, Amendment 19, covering fresh fruits and vegetables in Asotin

County, Washington, and Nez Perce County, Idaho. Filed 10:19 a. m.

Spokane Order 13–F, Amendment 20, covering fresh fruits and vegetables in Walla Walla and Columbia Counties, Washington. Filed 10:18 a. m.

Spokane Order 14–F, Amendment 20, covering fresh fruits and vegetables in Benton and Franklin Counties, Washington. Filed 10:17 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–10874; Filed, June 20, 1945; 4:42 p. m.]

[Atlanta Rev. Order G–1 Under Gen. Order 50]

MALT AND CEREAL BEVERAGES IN ATLANTA, GA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Atlanta District Office of Region IV of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, it is hereby ordered:

SECTION 1. *Purpose of order.* Order No. G–1 under General Order No. 50, issued by the District Director of the Atlanta District Office of the Office of Price Administration on the 14th day of July 1944, was issued for the purpose of establishing specific maximum prices for malt and cereal beverages, including those commonly known as ale, beer and near-beer, either in containers or on draught when sold or offered for sale at retail by any eating or drinking establishment, either for consumption on the premises or when carried away. Order No. G–1 under General Order No. 50 is redesignated Revised Order No. G–1 under General Order No. 50 and is revised and amended as herein set forth and issued for the same purpose, except that specific maximum prices are established only for on-premises sales, and for the further purpose of clarifying and strengthening the order. Maximum prices for sales of domestic malt beverages for off-premises consumption are controlled by Revised Maximum Price Regulation No. 259.

SEC. 2. *Geographical applicability.* The provisions of this order extend to all eating and drinking places or establishments located within the limits of the following named counties in the State of Georgia. Banks, Barrow, Bartow, Bibb, Butts, Carroll, Catoosa, Chattahoochee, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Crawford, Dade, Dawson, De Kalb, Douglas, Elbert, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Gordon, Greene, Gwinnett, Habersham, Hall, Haralson, Harris, Hart, Heard, Henry, Houston, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Marion, Meriwether, Monroe, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pike, Polk, Putnam, Rabun, Rockdale, Spalding, Stephens, Talbot, Taylor, Towns, Troup, Union, Upson, Walker, Walton, White, and Whitfield.

SEC. 3. *Ceiling prices.* (a) On and after July 25, 1944, if you operate an eating or drinking establishment, you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed in Appendix A hereof. You may, of course, charge lower prices at any time.

(b) If you sell any beverage subject to this order which is not specifically listed herein, and if you believe that the maximum price specified herein for such beverage is not appropriate to such beverage, you may make application to the Atlanta District Office of the Office of Price Administration requesting that such beverage be specifically included in Appendix A hereof. With or without such application, the Atlanta District Office of the Office of Price Administration may, at any time, and from time to time, add new or unlisted beverages, brands, types, or sizes together with maximum prices for same to the lists set forth in Appendix A hereof.

(c) You may not add any taxes to your ceiling prices set forth in Appendix A hereof except those specifically provided therein, as all other taxes were taken into consideration in establishing the ceiling prices for each group of sellers.

SEC. 4. *How to figure your ceiling prices.* (a) This order divides eating and drinking establishments into three different groups and gives each group a different ceiling price. The group to which you belong depends on your legal ceiling prices in effect during the base period of April 4–10, 1943. You must figure the group to which you belong on the basis of your correct legal ceiling prices for that period.

(b) The group to which you belong depends on your legal ceiling prices for the beverages subject to this order in effect during the base period of April 4–10, 1943. If your legal ceiling prices for various brands and types of beverages subject to this order vary so that your ceiling prices on some brands or types seem to place you in one particular group and ceiling prices on others seem to classify you into a different group, you must classify yourself into the particular group representative of the prices at which the greater number of your sales were made. For the purpose of determining your classification as herein provided, no consideration may be given to sales of beverages other than those listed in Appendix A hereof. You must figure the group to which you belong as follows:

(1) *Group 1 B.* Your establishment belongs to Group 1 B if, during the base period of April 4–10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A hereof for Group 1 B establishments.

(2) *Group 2 B.* Your establishment belong to Group 2 B, if during the base period of April 4–10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A hereof for Group 2 B establishments, but were less than those provided in Appendix A for Group 1 B establishments.

(3) *Group 3 B.* Your establishment belongs to Group 3 B, if during the base period of April 4–10, 1943, your legally established ceiling prices for beverages subject to this order were less than the prices listed in Appendix A hereof for Group 2 B establishments. All establishments not in operation during the base period of April 4–10, 1943, and all establishments which begin operating after the effective date of this order also belong to Group 3 B.

(c) If your eating or drinking establishment was not in operation during the base period of April 4–10, 1943, but was in operation prior to the effective date of this order, and, if the nearest similar eating or drinking establishment of the same type is one which is properly classified in Group 1 B or Group 2 B, you may, but not later than the first day of October 1944 file an application with the Atlanta District Office of the Office of Price Administration, requesting that your establishment be reclassified into the same group to which its nearest similar eating or drinking establishment of the same type belongs. Until your application is acted upon, and unless your establishment is reclassified, it must retain the classification of a Group 3 B seller, and must observe the ceiling prices as provided for that group in Appendix A hereof. All such applications for reclassification must contain the following information:

(1) Name and address of the establishment and of its owner or owners;

(2) A description of the establishment showing its type (such as night club, hotel, restaurant, tavern) and the date it began operating;

(3) The selling prices by brand name of all beverages sold since the beginning of its operation;

(4) The names of the three nearest eating and drinking establishments of the same type, and their group number as determined under this order;

(5) Any other information pertinent to such application or which may be requested by the Office of Price Administration.

(d) If your eating and drinking establishment begins operation after the effective date of this order, you are classified as a Group 3 B seller and may not sell or offer for sale beverages subject to this order at prices higher than those set forth for Group 3 B sellers in Appendix A hereof. However, if your nearest eating and drinking establishment of the same type is one which is properly classified as a Group 1 B or Group 2 B seller, you may, within and not later than 30 days from the time you begin operating, file an application with the Atlanta District Office, requesting that your establishment be reclassified into the same group in which its nearest eating and drinking establishment of the same type belongs. Until your application is acted upon and unless your establishment is reclassified, it must retain the classification of Group 3 B and must observe the ceiling prices as pro-

vided for that group in Appendix A hereof. All such applications for reclassification must contain the same information required by paragraph (c) of this section.

(e) After you have figured your proper group number under this section and have filed the required statement with your War Price and Rationing Board as provided in Section 5, you may not change your group classification except as otherwise provided by this order.

SEC. 5. *Filing with War Price and Rationing Board.* (a) When you have figured your proper group under section 4 above, you must, on or before August 10, 1944, file with your War Price and Rationing Board a signed statement with the name and address of your establishment, its type (such as night club, hotel, restaurant, tavern) and the group to which it belongs. Thereupon the War Price and Rationing Board will send you a card bearing your group number. If you begin operating your establishment after the effective date of this order, you must likewise file said signed statement in this manner as soon as you begin operating.

(b) If you are now in operation and have not filed the signed statement showing the group number to which you belong as provided in paragraph (a) above, you must do so immediately. If you have failed to file said signed statement as herein required, you are hereby classified as a Group 3 B seller and you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed for Group 3 B sellers in Appendix A hereof. Failure to file said signed statement as herein provided is a violation of this order and also subjects you to the other penalties herein provided.

SEC. 6. *Modification of prices.* After you have determined your group and have put into effect the ceiling prices provided in this order for that group, the Office of Price Administration District Director for the District in which your establishment is located may direct you to charge lower ceiling prices:

(a) If, on the basis of your April 4–10, 1943, legal ceiling prices, this order, properly applied, requires you to be placed into a group with lower ceiling prices.

(b) If, as a result of speculative, unwarranted, or abnormal increases, contrary to the purpose of the Emergency Price Control Act, as amended, your legal ceiling prices on April 4–10, 1943, were excessive in relation to the legal ceiling prices of other comparable establishments in the District.

SEC. 7. *Exempt sales.* The following sales are exempt from the operation of this order. However, unless they are otherwise exempt from price control, they shall remain subject to the appropriate maximum price regulation or order:

(a) Sales by persons on board common carriers (when operated as such), including railroad dining cars, club cars, bar cars, and buffet cars, or sales otherwise governed by Restaurant Maximum Price Regulation No. 1 (Dining Car Regulation).

(b) Sales by public and private hospitals insofar as they serve to patients.

(c) Sales by eating cooperatives formed by members of the Armed Forces (as, for example, officers' mess) operated as non-profit cooperatives (where no part of the net earnings inures to the benefit of any individual) which sell food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to members of the Armed Forces who are members of the cooperatives.

(d) Sales where the beverages subject to this order are included in, and sold as part of, a meal and where the price of such beverage is included in the price of the meal. (Such sales remain under Restaurant Maximum Price Regulation No. 2.)

(e) Sales by the War Department or the Department of Navy of the United States through such Departments' sales stores, including commissaries, ships' stores ashore, and by stores operated as army canteens, post exchanges, or ships' activities.

(f) Bona fide private clubs insofar as such clubs sell only to members or bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales as eating or drinking establishments and subject to this order. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless such club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue and unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and unless it is otherwise operated as a private club.

No club organized after the effective date of this order shall be exempt unless and until it has filed a request for exemption with the District Office of the Office of Price Administration of the area in which it is located, furnishing such information as may be required, and has received a communication from such office authorizing exemption as a private club.

SEC. 8. *Evasion.* If you are an operator of an eating or drinking establishment, you must not evade the ceiling prices established by this order by any type of scheme or device; among other things (this is not an attempt to list all evasive practices) you must not:

(a) Institute any cover, minimum, bread and butter, service, corkage, entertainment, check-room, parking, or other special charges which you did not have in effect on any corresponding day during the seven-day period from April 4–10, 1943, or

(b) Increases any cover, minimum, bread and butter, service, corkage, entertainment, check-room, parking or other special charges which you did have in effect on any corresponding day during the seven-day period from April 4–10, 1943, or

(c) Require as a condition of sale of a beverage the purchase of other items or meals, except that during the hours from 11:30 a. m. to 1:30 p. m. and the hours from 6:00 p. m. to 8:00 p. m., any eating or drinking establishment which derives not less than 70% of its gross revenue from the sales of prepared food items (not including beverage items) sold for consumption on the premises may refuse to sell beverages subject to this order for consumption on the premises during those hours to persons who do not also purchase food items.

SEC. 9. *Records and menus.* If you are an operator of an eating or drinking establishment subject to this order you must observe the requirements of General Order No. 50, as well as Restaurant Maximum Price Regulation No. 2, either as revised and amended or as may be revised and amended, with references to the filing and keeping of menus and the preservation and keeping of customary and future records. Among other provisions of General Order No. 50 are the following:

(a) Preserve all existing records relating to prices, cost and sales of food items, meals and beverages;

(b) Continue to prepare and maintain such records as have been ordinarily kept;

(c) Keep for examination by the Office of Price Administration two copies of each menu used by the establishment each day, or a daily record in duplicate of the prices charged for food items, beverages and meals. If the establishment has customarily used menus, it must continue to do so.

SEC. 10. *Posting of prices.* (a) If you own or operate an eating or drinking establishment offering malt beverages subject to this order, you must comply with the provisions of Order No. 2, issued under Restaurant Maximum Price Regulation No. 2 on March 10, 1945, and effective the same date, either as heretofore or hereafter revised and amended, which order provides in part that you must on or before April 16, 1945, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for all beer and other malt beverages which you offer for consumption on your premises.

(b) If you begin operating your establishment after April 16, 1945, you must obtain the price poster applicable to your establishment from your local War Price and Rationing Board and post same immediately.

(c) No establishment which fails to comply with the posting requirements of Order No. 2, issued under Restaurant Maximum Price Regulation No. 2 on March 10, 1945, and effective the same date, either as heretofore or hereafter revised and amended, may sell any beverage subject to this order at higher prices than the prices provided for Group 3 B sellers as set forth in Appendix A hereof during such time as such establishment is not in compliance with said order.

SEC. 11. *Posting of group number.* (a) If you operate an eating or drinking establishment selling at retail beverages

subject to this order you must post, and keep posted, in the premises a card or cards clearly visible to all purchasers showing the group number of your establishment as classified under this order. The card must read "OPA 1 B," "OPA 2 B," or "OPA 3 B," whichever is applicable. You may use the card or cards furnished you for this purpose by the War Price and Rationing Board.

(b) No establishment which fails to comply with the posting requirements of this section may sell any beverage subject to this order at a higher price than provided for Group 3 B sellers in Appendix A hereof during such time as such establishment is not in compliance with this section.

SEC. 12. *Receipts and sales slips.* Regardless of whether or not receipts have customarily been issued, upon request by any customer at the time of payment, a receipt containing a full description of the beverage sold and the price of the same must be issued. Such receipts must show the date of issuance and bear the signature of the person issuing same. If you have customarily issued receipts or sales slips, you may not now discontinue the practice.

SEC. 13. *Operation of several places.* If you own or operate more than one place selling beverages subject to this order, you must do everything required by this regulation for each place separately.

SEC. 14. *Enforcement.* If you violate any provision of this regulation you are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspensions of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order. If you are a seller subject to this order, your license may be suspended for violation of the license or of the order. If your license is suspended you may not, during the period of suspension, make any sale for which your license has been suspended.

SEC. 16. *Relation to Other Maximum Price Regulations.* This order supersedes the provisions of Maximum Price Regulation No. 259, as heretofore or hereafter amended or revised, and the General Maximum Price Regulation, as heretofore or hereafter amended or revised, insofar as such provisions were applicable to sales at retail by eating and drinking establishments of beverages subject to this order. Sales of beverages subject to this order when sold as part of a meal and when the price of same is included in the price of the meal remain subject to the provisions of Restaurant Maximum Price Regulation No. 2.

SEC. 17. *Definitions.* (a) "Malt beverage" is any malt beverage produced either within or without the Continental United States, and includes those commonly designated as beer, lager beer, ale, porter and stout.

(b) "Cereal beverage" is any beverage produced from cereals either within or without the Continental United States and commonly known as "near-beer".

(c) "On draught" means dispensed by a seller at retail from any container of ⅛ barrel or larger size.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Sell, sale, etc." include the service of beer for a consideration, with a license to consume on the premises.

(f) "Eating or drinking establishments" means any place in which meals, food items or beverages are sold and served primarily for consumption on or about the premises. The term includes but is not limited to restaurants, hotels, cafes, cafeterias, delicatessens, soda fountains, boarding houses, catering establishments, athletic stadiums, field kitchens, lunch wagons, hot dog carts, etc.

(g) "Other definitions." Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation, shall apply to the other terms used herein.

(h) "On-premise sales" means those sales made for consumption by the customers either in, on, or about the premises of the seller, or in the immediate vicinity thereof, and includes club service sales, and sales made to customers served in automobiles located on or about the premises of the seller.

SEC. 19. *Changes in location.* If any establishment is hereafter moved to a new location, the establishment shall be considered a new seller under this order and shall determine its ceiling prices under the provisions of section 4.

SEC. 20. *Petitions for amendment.* Any person dissatisfied with any of the provisions of this order may request the Office of Price Administration to amend the order. Such petition for amendment must be filed in pursuance to the provisions of Revised Procedural Regulation No. 1, except that the petition for amendment shall be directed to, filed with, and acted upon by the District Director of the Atlanta District Office.

SEC. 21. *Revocation and amendment.* This order may be revoked, amended, or corrected at any time.

SEC. 22. *Effective date.* This order shall become effective July 25, 1944, and the revision of this order herein made shall become effective June 25, 1945.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget and in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

This order issued at Atlanta, Georgia, on July 14, 1944, and this revision issued at Atlanta, Georgia, on May 24, 1945.

D. ELLIS MCCORD,
District Director.

APPENDIX A

All maximum prices set out in this appendix may be increased by the amount of any municipal sales tax on retail sales actually paid by the seller.

PART I

GROUP 1 B

	Maximum price per bottle	
	12-ounce	32-ounce
Brand or trade name of beer	*Cents*	*Cents*
Ballantine's	25	60
Barbarossa	25	60
Budweiser	25	60
Burger Brau	25	60
Canadian Ace	25	60
Commander	25	60
Dorquest	25	60
Downs Arf & Arf	25	60
Frederick's Four Crown Special	25	60
Gem Pilsener	25	60
Gold Medal Tivoli	25	60
Keely's Half and Half	25	60
Miller's High Life	25	60
Namar Premium	25	60
National Premium	25	60
Pabst Blue Ribbon	25	60
Peter Hand's Premium	25	60
Pilsener Club	25	60
Premo	25	60
Ruby Premium	25	60
Schlitz	25	60
Yankee Premium (non-returnable bottles)	25	60
Zeigler's	25	60
Brand or trade name of ale		
Ballantine's	25	60
Canadian Ace	25	60
Carling's Red Cap	25	60
Kreuger Cream	25	60
Red Top	25	60
Spearman's Old English	25	60
Brand or trade name of beer		
Bruck's	20	50
Cooper's	20	50
Hi-Brau	20	50
Lang's Percolated	20	50
Morlein Premium	20	50
Red Fox	20	50
Red Top	20	50
Silver Fox DeLuxe	20	50
Yankee Premium (returnable bottles)	20	50
Brand or trade name of ale		
Bruck's	20	50
Graham's	20	50
Lang's Domestic	20	50
Imported beer		
Carta Blanca	25	------
All other brands not listed above and beer or ale not bearing a brand label at time of sale	20	50

Sellers may add to the above prices for 32-ounce bottles 1 cent per bottle to reflect the increase in Federal Tax effective April 1, 1944.

The above prices include all other Federal and State taxes except the Federal Excise Tax on cabarets. Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above prices if such tax is separately stated and collected.

GROUP 2 B

Brand or trade name of beer	Maximum price per bottle: 12-ounce	32-ounce
	Cents	*Cents*
Ballantine's	20	50
Barbarossa	20	50
Budweiser	20	50
Burger Brau	20	50
Canadian Ace	20	50
Commander	20	50
Dorquest	20	50
Downs Arf & Arf	20	50
Fredrick's Four Crown Special	20	50
Gem Pilsener	20	50
Gold Medal Tivoli	20	50
Keely's Half and Half	20	50
Miller's High Life	20	50
Namar Premium	20	50
National Premium	20	50
Pabst Blue Ribbon	20	50
Peter Hand's Premium	20	50
Pilsner Club	20	50
Premo	20	50
Ruby Premium	20	50
Schlitz	20	50
Yankee Premium (non-returnable bottles)	20	50
Zeigler's	20	50
Brand or trade name of ale		
Ballantine's	20	50
Canadian Ace	20	50
Carling's Red Cap	20	50
Krenger Cream	20	50
Red Top	20	50
Spearman's Old English	20	50
Brand or trade name of beer		
Bruck's	18	45
Cooper's	18	45
Hi-Brau	18	45
Lang's Percolated	18	45
Morlein Premium	18	45
Red Fox	18	45
Red Top	18	45
Silver Fox DeLuxe	18	45
Yankee Premium (returnable bottles)	18	45
Brand or trade name of ale		
Bruck's	18	45
Graham's	18	45
Lang's Domestic	18	45
Imported beer		
Carta Blanca	20	----
All other brands not listed above and beer or ale not bearing a brand label at time of sale	15	40

GROUP 3 B

Brand or trade name of beer		
	Cents	*Cents*
Ballantine's	18	45
Barbarossa	18	45
Budweiser	18	45
Burger Brau	18	45
Canadian Ace	18	45
Commander	18	45
Dorquest	18	45
Downs Arf & Arf	18	45
Fredrick's Four Crown Special	18	45
Gem Pilsener	18	45
Gold Medal Tivoli	18	45
Keely's Half and Half	18	45
Miller's High Life	18	45
Namar Premium	18	45
National Premium	18	45
Pabst Blue Ribbon	18	45
Peter Hand's Premium	18	45
Pilsner Club	18	45
Premo	18	45
Ruby Premium	18	45
Schlitz	18	45
Yankee Premium (non-returnable bottles)	18	45
Zeigler's	18	45

Sellers may add to the above prices for 32-ounce bottles 1 cent per bottle to reflect the increase in Federal Tax effective April 1, 1944.

The above prices include all other Federal and State taxes except the Federal Excise Tax on cabarets. Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above price if such tax is separately stated and collected.

GROUP 3 B—continued

Brand or trade name of ale	Maximum price per bottle: 12-ounce	32-ounce
	Cents	*Cents*
Ballantine's	18	45
Canadian Ace	18	45
Carling's Red Cap	18	45
Krenger Cream	18	45
Red Top	18	45
Spearman's Old English	18	45
Brand or trade name of beer		
Bruck's	17	40
Cooper's	17	40
Hi-Brau	17	40
Lang's Percolated	17	40
Morelein Premium	17	40
Red Fox	17	40
Red Top	17	40
Silver Fox DeLuxe	17	40
Yankee Premium (returnable bottles)	17	40
Brand or trade name of ale		
Bruck's	17	40
Graham's	17	40
Lang's Domestic	17	40
Imported beer		
Carta Blanca	30	----
All other brands not listed above and beer or ale not bearing a brand label at time of sale	14	35

Sellers may add to the above prices for 32 ounce bottles 1 cent per bottle to reflect the increase in Federal tax effective April 1, 1944.

The above prices include all other Federal and State Taxes except the Federal Excise Tax on cabarets. Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above price if such tax is separately stated and collected.

PART II

DRAUGHT BEERS AND ALES

Brand or trade name	Size of container	Maximum prices for groups: 1 B	2 B	3 B
		Cents	*Cents*	*Cents*
All brands	6-ounce	7	6	6
	8-ounce	9	8	8
	10-ounce	11	10	10
	12-ounce	13	12	12
		Per ounce	*Per ounce*	*Per ounce*
	All other size containers	1.1	1	1

Sellers may add to the above prices for containers of 8 ounces or more 1 cent per container to reflect the increase in Federal tax effective April 1, 1944.

The above prices include all other Federal and State taxes except the Federal Excise Tax on cabarets. Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above prices if such tax is separately stated and collected.

[F. R. Doc. 45-10880; Filed, June 20, 1945; 4:44 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register June 15, 1945.

REGION I

New Hampshire Order 9-F, Amendment 5, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 9:26 a. m.

New Hampshire Order 10-F, Amendment 1, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 9:26 a. m.

New Hampshire Order 11-F, Amendment 1, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 9:26 a. m.

New Hampshire Order 12-F, Amendment 1, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 9:25 a. m.

REGION III

Cincinnati Order 4-F, Amendment 23, covering fresh fruits and vegetables in Hamilton County, Ohio. Filed 9:25 a. m.

Cincinnati Order 5-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Ohio. Filed 9:25 a. m.

Cincinnati Order 7-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Ohio. Filed 9:25 a. m.

Cincinnati Order 23, Amendment 1, covering dry groceries. Filed 9:49 a. m.

REGION IV

Atlanta Order 29-C, Amendment 3, covering poultry in the Atlanta Area. Filed 9:25 a. m.

Columbia Order 18, Amendment 5, covering certain food items in the South Carolina Area. Filed 9:47 a. m.

Columbia Order 19-O, Amendment 4, covering eggs in the South Carolina Area. Filed 9:46 a. m.

Columbia Order 20-O, Amendment 4, covering eggs in the South Carolina Area. Filed 9:46 a. m.

Columbia Order 21-O, Amendment 4, covering eggs in the South Carolina Area. Filed 9:45 a. m.

Columbia Order 22-O, Amendment 4, covering eggs in the South Carolina Area. Filed 9:45 a. m.

Jacksonville Order 9-F, Amendment 26, covering fresh fruits and vegetables in Jacksonville, Fla. Filed 9:24 a. m.

Jacksonville Order 11-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Florida. Filed 9:24 a. m.

Montgomery Order 20-F, Amendment 28, covering fresh fruits and vegetables in Mobile County, Alabama. Filed 9:24 a. m.

Montgomery Order 21-F, Amendment 33, covering fresh fruits and vegetables in Montgomery County, Alabama. Filed 9:24 a. m.

Montgomery Order 5-W, Amendment 2, covering dry groceries in the Montgomery Area. Filed 9:47 a. m.

Montgomery Order 20, Amendment 2, covering dry groceries in the Montgomery Area. Filed 9:47 a. m.

Montgomery Order 21, Amendment 2, covering dry groceries in the Montgomery Area. Filed 9:47 a. m.

REGION V

Dallas Order 1-F, Amendment 68, covering fresh fruits and vegetables in Dallas County, Texas. Filed 9:45 a. m.

Dallas Order 2-F, Amendment 19, covering fresh fruits and vegetables. Filed 9:45 a. m.

Dallas Order 2-F, Amendment 20, covering fresh fruits and vegetables in all counties except Bowie and Dallas. Filed 9:45 a. m.

Dallas Order 2-F, Amendment 21, covering fresh fruits and vegetables in all counties except Bowie and Dallas. Filed 9:45 a. m.

Dallas Order 3-F, Amendment 47, covering fresh fruits and vegetables. Filed 9:44 a. m.

Fort Worth Order 2-C, Amendment 2, covering poultry in certain counties in Texas. Filed 9:43 a. m.

Fort Worth Order 7-F, Amendment 11, covering fresh fruits and vegetables in Tarrant County, Texas. Filed 9:44 a. m.

Fort Worth Order 8-F, Amendment 11, covering fresh fruits and vegetables in Taylor County, Texas. Filed 9:44 a. m.

Fort Worth Order 9-F, Amendment 11, covering fresh fruits and vegetables in Tom Green County, Texas. Filed 9:42 a. m.

Fort Worth Order 10–F, Amendment 11, covering fresh fruits and vegetables in McLennan County, Texas. Filed 9:43 a. m.

Fort Worth Order 11–F, Amendment 11, covering fresh fruits and vegetables in Wichita County, Texas. Filed 9:43 a. m.

Fort Worth Order 12–F, Amendment 2, covering fresh fruits and vegetables in certain counties in Texas. Filed 9:43 a. m.

Houston Order 1–F, Amendment 58, covering fresh fruits and vegetables in certain counties in Texas. Filed 9:54 a. m.

Houston Order 3–F, Amendment 46, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:54 a. m.

Wichita Order 4–F, Amendment 39, covering fresh fruits and vegetables in certain areas in Kansas. Filed 9:36 a. m.

Little Rock Order 2–F, Amendment 60, covering fresh fruits and vegetables. Filed 9:54 a. m.

Little Rock Order 4–F, Amendment 51, covering fresh fruits and vegetables. Filed 9:53 a. m.

Lubbock Order 3–F, Amendment 58, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:42 a. m.

San Antonio Order 1–F, Amendment 22, covering fresh fruits and vegetables. Filed 9:38 a. m.

San Antonio Order 2–F, Amendment 22, covering fresh fruits and vegetables. Filed 9:38 a. m.

San Antonio Order 3–F, Amendment 18, covering fresh fruits and vegetables. Filed 9:38 a. m.

San Antonio Order 4–F, Amendment 18, covering fresh fruits and vegetables. Filed 9:38 a. m.

Shreveport Order 2–F, Amendment 64, covering fresh fruits and vegetables. Filed 9:37 a. m.

Shreveport Order 3–F, Amendment 53, covering fresh fruits and vegetables. Filed 9:37 a. m.

Tulsa Order 1–C, Amendment 6, covering poultry in certain areas in the state of Oklahoma. Filed 9:53 a. m.

Tulsa Order 7–F, Amendment 10, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 9:53 a. m.

Tulsa Order 8–F, Amendment 16, covering fresh fruits and vegetables in Muskogee and Tulsa, Oklahoma. Filed 9:53 a. m.

Wichita Order 1–C, Amendment 5, covering poultry in certain areas in Kansas. Filed 9:52 a. m.

REGION VI

Milwaukee Order 8–F, Amendment 12, covering fresh fruits and vegetables in Dane County, Wisconsin. Filed 9:36 a. m.

Milwaukee Order 9–F, Amendment 12, covering fresh fruits and vegetables in Sheboygan and Fond Du Lac Counties, Wisconsin. Filed 9:36 a. m.

Milwaukee Order 10–F, Amendment 3, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 9:36 a. m.

Milwaukee Order 11–F, Amendment 4, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:35 a. m.

Peoria Order 6–F, Amendment 2, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:52 a. m.

Peoria Order 7–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:52 a. m.

Peoria Order 8–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:52 a. m.

Peoria Order 9–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:51 a. m.

Peoria Order 10–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:51 a. m.

Quad-Cities Order 3–F, Amendment 23, covering fresh fruits and vegetables in certain counties in Illinois and Iowa. Filed 9:35 a. m.

REGION VII

Albuquerque Order 18, Amendment 6, covering dry groceries in certain areas in New Mexico. Filed 9:35 a. m.

Albuquerque Order 20, Amendment 5, covering dry groceries in Southern and Eastern New Mexico. Filed 9:32 a. m.

Albuquerque Order 8–W, Amendment 6, covering dry groceries in certain areas in New Mexico. Filed 9:31 a. m.

Albuquerque Order 9–W, Amendment 6, covering dry groceries in certain areas in New Mexico. Filed 9:31 a. m.

Denver Order 1–C, covering poultry in certain cities and towns in Colorado. Filed 9:51 a. m.

Denver Order 1–C, Amendment 1, covering poultry in certain areas in Colorado. Filed 9:50 a. m.

Denver Order 2–C, covering poultry in certain areas in Colorado. Filed 9:50 a. m.

Denver Order 2–C, Amendment 1, covering poultry in certain areas in Colorado. Filed 9:50 a. m.

REGION VIII

Fresno Order 1–C, Amendment 6, covering eggs in certain counties in California. Filed 9:30 a. m.

Fresno Order 1–F, Amendment 70, covering fresh fruits and vegetables in Fresno, California. Filed 9:30 a. m.

Fresno Order 1–F, Amendment 72, covering fresh fruits and vegetables in Fresno, California. Filed 9:30 a. m.

Fresno Order 2–F, Amendment 58, covering fresh fruits and vegetables in Modesto, California. Filed 9:29 a. m.

Fresno Order 2–F, Amendment 60, covering fresh fruits and vegetables in Modesto, California. Filed 9:29 a. m.

Fresno Order 3–F, Amendment 55, covering fresh fruits and vegetables in certain areas in California. Filed 9:29 a. m.

Fresno Order 3–F, Amendment 57, covering fresh fruits and vegetables in certain areas in California. Filed 9:28 a. m.

Fresno Order 4–F, Amendment 30, covering fresh fruits and vegetables in certain areas in California. Filed 9:28 a. m.

Fresno Order 4–F, Amendment 32, covering fresh fruits and vegetables in certain areas in California. Filed 9:28 a. m.

Fresno Order 5–F, Amendment 15, covering fresh fruits and vegetables in certain areas in California. Filed 9:27 a. m.

Fresno Order 6–F, Amendment 41, covering fresh fruits and vegetables in certain areas in California. Filed 9:27 a. m.

Fresno Order 6–F, Amendment 43, covering fresh fruits and vegetables in certain areas in California. Filed 9:27 a. m.

Fresno Order 7–F, Amendment 20, covering fresh fruits and vegetables in certain areas in California. Filed 9:26 a. m.

Fresno Order 7–F, Amendment 22, covering fresh fruits and vegetables in Merced, California. Filed 9:26 a. m.

Fresno Order 32, Amendment 1, covering dry groceries. Filed 9:49 a. m.

Fresno Order 33, Amendment 1, covering dry groceries. Filed 9:48 a. m.

Fresno Order 35, Amendment 1, covering dry groceries. Filed 9:48 a. m.

Phoenix Order 1–F, Amendment 22, covering fresh fruits and vegetables in certain areas in Arizona. Filed 9:48 a. m.

Phoenix Order 8–F, Amendment 12, covering fresh fruits and vegetables in certain areas in Arizona. Filed 9:47 a. m.

Seattle Order 31, Amendment 6, covering dry groceries in certain areas in Washington. Filed 9:49 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–10814; Filed, June 19, 1945; 4:33 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54–74, 59–69]

NORTH CONTINENT UTILITIES CORP. ET AL.

NOTICE OF FILING OF APPLICATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of June, A. D. 1945.

In the matters of North Continent Utilities Corporation and subsidiary companies, File No. 54–74; North Continent Utilities Corporation and subsidiary companies, Filed No. 59–69.

The Commission having by order entered on November 16, 1943, approved a plan providing for the liquidation and dissolution of North Continent Utilities Corporation ("North Continent"), a registered holding company, filed by that company and its subsidiary companies pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and having by said order, pursuant to section 11 (b) of the act, directed North Continent to take such action as may be necessary to cause its liquidation and dissolution;

Notice is hereby given that an application or declaration (or both), designated as "Application No. 7", has been filed with this Commission pursuant to the said act by North Continent together with its wholly owned subsidiary company, New Mexico Public Service Company ("New Mexico"), with respect to certain transactions in connection with North Continent's said plan.

All interested persons are referred to said application or declaration (or both), which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

New Mexico proposes to sell to The Socorro Electric Cooperative, Inc., a New Mexico corporation, its electric generating plant and distribution system located in the County of Socorro, State of New Mexico, together with the real estate and other assets pertinent thereto, for a base price of $160,000 in cash, subject to certain adjustments. The said properties are known as New Mexico's "Socorro Division" and serve the Town of Socorro; two transmission lines, included in said properties, serve small distribution systems in the Towns of San Antonio, Lemitar and Polvadera.

The proceeds of the proposed sale, after deducting necessary expenses, will be deposited in the general funds of New Mexico, and thereafter will be paid to North Continent and applied against certain of New Mexico's indebtedness owed to North Continent. North Continent proposes to deposit said funds with the Trustee under the Indenture securing its First Lien Collateral and Refunding Gold Bonds, Series A, 5½%, due January 1, 1948, to be used by the Trustee in making ratable payments upon the unpaid principal of said Bonds, as provided in North Continent's said plan.

It appearing to the Commission that it is appropriate in the public interest

and in the interests of investors and consumers that a hearing be held with respect to said matters, and that said application or declaration (or both) shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters under the applicable provisions of the act and the rules of the Commission thereunder be held on July 2, 1945, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On that day the hearing room clerk in Room 318 will advise as to the room where the hearing will be held.

It is further ordered, That Henry C. Lank, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said application or declaration (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be received, and the fees, commissions, and other remuneration to be paid, in connection with the proposed transactions, are reasonable in amount.

2. The propriety of the proposed accounting treatment on the books of the applicants or declarants.

3. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers.

4. Generally, whether all actions proposed to be taken comply with the requirements of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder.

It is further ordered, That notice of said hearing is hereby given to North Continent Utilities Corporation, New Mexico Public Service Company, the New Mexico Public Service Commission, and to all interested persons, said notice to be given to North Continent Utilities Corporation, New Mexico Public Service Company, and the New Mexico Public Service Commission by registered mail and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the mailing list for releases under the act.

It is requested that any person desiring to be heard in these proceedings shall file with the Secretary of this Commission on or before June 29, 1945, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10849; Filed, June 20, 1945; 2:43 p. m.]

[File No. 31-439]

GREAT NORTHERN GAS CO., LTD.

ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of June, A. D. 1945.

The Commission having heretofore on December 2, 1938, after a public hearing, ordered that the Great Northern Gas Company, Limited, be exempted to the extent specified from certain provisions of the Public Utility Holding Company Act of 1935 applicable to it as a subsidiary company of North Continent Utilities Corporation, a registered holding company; and

The Commission, after subsequent applications by Great Northern Gas Company, Limited, having in its order dated February 15, 1943 extended the time during which such order should be effective to January 31, 1945; and

Great Northern Gas Company, Limited, having on January 20 1945, filed an application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 seeking an extension of the time during which such previous order of this Commission should be effective; and

The Commission having considered such application and it appearing that the circumstances upon which such original order of exemption was issued still exist and that a further extension of the time during which such order of exemption shall be effective will not be detrimental to the public interest or the interest of investors or consumers;

It is therefore ordered, That the time during which such order of exemption shall be effective be, and hereby is, extended until January 31, 1946, without prejudice to the right of Great Northern Gas Company, Limited, to apply for a further extension of the time during which such order shall be effective and also without prejudice to the right of Great Northern Gas Company, Limited, to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10850; Filed, June 20, 1945; 2:43 p. m.]

[File No. 31-437]

SOUTHERN UTILITIES CO., LTD.

ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of June, A. D. 1945.

The Commission having heretofore on December 2, 1938, after a public hearing, ordered that the Southern Utilities Company, Limited, be exempted to the extent specified from certain provisions of the Public Utility Holding Company Act of 1935 applicable to it as a subsidiary company of North Continent Utilities Corporation, a registered holding company; and

The Commission, after subsequent applications by Southern Utilities Company, Limited, having in its order dated February 15, 1943 extended the time during which such order should be effective to January 31, 1945; and

Southern Utilities Company, Limited, having on January 20, 1945, filed an application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 seeking an extension of the time during which such previous order of this Commission should be effective; and

The Commission having considered such application and it appearing that the circumstances upon which such original order of exemption was issued still exist and that a further extension of the time during which such order of exemption shall be effective will not be detrimental to the public interest or the interest of investors or consumers;

It is therefore ordered, That the time during which such order of exemption shall be effective be, and hereby is, extended until January 31, 1946, without prejudice to the right of Southern Utilities Company, Limited, to apply for a further extension of the time during which such order shall be effective and also without prejudice to the right of Southern Utilities Company, Limited, to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10851; Filed, June 20, 1945; 2:43 p. m.]

[File No. 70-761]

CENTRAL POWER AND LIGHT CO. AND AMERICAN POWER & LIGHT CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of June, A. D. 1945.

The Commission having heretofore by its order dated October 16, 1943, pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 granted, among other things, the application of Central Power and Light Company, a direct subsidiary of Central and South West Utilities Company and an indirect subsidiary of The Middle West Corporation, both registered holding companies, to acquire the electric, water and ice properties of Texas Electric Service Company and Texas Public Utilities Corporation located in Eagle Pass, Texas, subject to the condition that Central dispose of the water properties so acquired, and the Commission having in said order, pursuant to section 11 (b) and the consent of Central, ordered Central to dispose of said water properties within the period specified in section 11 (c); and

The Commission, pursuant to an application filed under section 11 (c) of the act by Central Power and Light Com-

pany, having previously granted an extension of six months from October 16, 1944 within which to comply with the provision of said order of October 16, 1943; and

Central Power and Light Company having filed an application pursuant to section 11 (c) of the act requesting an additional extension of time of six months within which to comply with said order of October 16, 1943; and

The Commission having found that said applicant has been unable in the exercise of due diligence to comply with said order within the initial statutory period of one year from the date of its entry and the six month extension previously granted; and that an additional extension of six months is necessary and appropriate in the public interest and for the protection of investors and consumers.

It is hereby ordered, That said applicant be and is hereby granted an additional period of six months, dating from April 16, 1945, within which to comply with said order of October 16, 1943.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10852; Filed, June 20, 1945; 2:43 p. m.]

[Docket Nos. 16-1A2 through 16-1A7]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

ORDER EXTENDING TIME FOR FILING OF PETITION FOR REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of June, A. D. 1945.

In the matter of National Association of Securities Dealers, Inc. Review of disciplinary action under section 15A, Securities Exchange Act of 1934, as amended, in the consolidated cases of: John Doe I, Case No. 17, District 13, Docket 16-1A3; John Doe II, Case No. 17, District 8, Docket 16-1A6; John Doe III, Case No. 26, District 8, Docket 16-1A5; John Doe IV, Case No. 21, District 13, Docket 16-1A7; John Doe V, Case No. 2, District 10, Docket 16-1A4; John Doe VI, Case No. 28, District 8, Docket 16-1A2.

National Association of Securities Dealers, Inc, having applied under Rule VII of the rules of practice of the Commission for an extension of time, until July 18, 1945, for filing a petition for rehearing before the Commission in the matter of disciplinary proceedings respecting John Doe I, John Doe II, John Doe III, John Doe IV, John Doe V, and John Doe VI; and having, in support of the said application, set forth facts indicating that the period for filing of a petition for rehearing pursuant to Rule XII (d) of the rules of practice is inadequate in order properly to prepare the aforementioned petition;

It is ordered, That the time within which the National Association of Securities Dealers, Inc., may file its petition for rehearing herein be, and it hereby is, extended until July 18, 1945.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10853; Filed, June 20, 1945; 2:44 p. m.]

B. J. JOHNSON & CO.

ORDER SUSPENDING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of June, A. D. 1945.

In the matter of Bernard J. Johnson doing business as B. J. Johnson & Company, Rapid City, South Dakota.

The Commission having instituted a proceeding under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the broker-dealer registration of B. J. Johnson, doing business as B. J. Johnson & Company, should be revoked, and whether pending final determination it is necessary or appropriate in the public interest or for the protection of investors to suspend registration; a hearing having been held after appropriate notice and it now appearing to the Commission that suspension is necessary and appropriate in the public interest and for the protection of investors;

It is ordered, That the registration of B. J. Johnson & Company be suspended from the opening of business on June 21, 1945, until final determination of this proceeding.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10854; Filed, June 20, 1945; 2:44 p. m.]

[File No. 70-735]

CONSUMERS GAS CO.

ORDER GRANTING REQUEST FOR EXTENSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of June 1945.

Consumers Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company, having requested a one-year extension (to July 2, 1946) of the time fixed by our order of July 2, 1943, as extended by our order of June 16, 1944 (Holding Company Act Release Nos. 4409 and 5110) within which Consumers Gas Company may purchase a maximum of 800 shares of capital stock of Reading Gas Company from non-affiliated interests as shares became available for purchase at prices which would yield a favorable return on the funds so invested as compared with other available investments; and

Consumers Gas Company having stated that to date 71 shares of capital stock of Reading Gas Company have been purchased, and that an additional one-year extension is desired in order to consummate said purchase program; and

It appearing to the Commission that the requested extension of time is reasonable and not detrimental to the public interest or the interests of investors and consumers;

It is ordered, That Consumers Gas Company be, and hereby is, granted an additional period of one year from July 2, 1945 within which to consummate the proposed purchase program covered by our order of July 2, 1943, subject, however, to the same conditions and reservation of jurisdiction as are imposed by said order.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10386; Filed, June 21, 1945; 9:37 a. m.]

[File No. 70-1075]

WORCESTER SUBURBAN ELECTRIC CO. ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of June 1945.

In the matter of Worcester Suburban Electric Company, Milford Electric Light and Power Company, Union Light & Power Company, Massachusetts Utilities Associates, File No. 70-1075.

Massachusetts Utilities Associates, a non-registered subsidiary holding company of New England Power Association, a registered holding company, and three of Massachusetts Utilities Associates' subsidiaries, Worcester Suburban Electric Company, Milford Electric Light and Power Company and Union Light & Power Company, having filed joint applications and declarations, and amendments thereto, pursuant to sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder, and Instruction 8C of the Uniform System of Accounts for Public Utility Holding Companies, with respect to the following transactions:

1. Worcester Suburban Electric Company proposes to issue 50,312 shares of its capital stock ($25 par value per share) to Massachusetts Utilities Associates in exchange for the outstanding capital stock of Milford Electric Light and Power Company and Union Light & Power Company.

2. Massachusetts Utilities Associates proposes to surrender the capital stock of Milford Electric Light and Power Company and Union Light & Power Company in exchange for 50,312 shares of capital stock of Worcester Suburban Electric Company.

3. Massachusetts Utilities Associates also proposes to transfer or make available to the public stockholders of Worcester Suburban Electric Company, without any payment therefor, 143 shares of the capital stock of Worcester Suburban Electric Company at the rate of one share for each eight shares held.

4. Milford Electric Light and Power Company and Union Light & Power Company are proposed to be merged into

Worcester Suburban Electric Company pursuant to an agreement of merger and the general laws of the Commonwealth of Massachusetts. Worcester Suburban Electric Company will acquire all the assets and assume all the liabilities of Milford Electric Light and Power Company and Union Light & Power Company. All of the outstanding capital stocks of Milford Electric Light and Power Company and Union Light & Power Company are to be cancelled.

5. Massachusetts Utilities Associates requests approval under Instruction 8C of the Uniform System of Accounts for Public Utility Holding Companies to record upon its books the shares of capital stock of Worcester Suburban Electric Company (following the merger) at the same amount at which it presently carries the capital stocks of Worcester Suburban Electric Company, Milford Electric Light and Power Company and Union Light & Power Company; and

The respective applicants-declarants having requested that the Commission, in approving the proposed transactions, make the findings and recitals specified in section 1808 (f) of the Internal Revenue Code, as amended; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having entered its findings and opinion herein:

It is ordered, That the joint applications and declarations, as amended, be granted and permitted to become effective forthwith subject, however, to the terms and conditions prescribed in Rule U-24 and subject to the additional term and condition that jurisdiction with respect to the accounting entries proposed by Massachusetts Utilities Associates be and hereby is reserved.

It is further ordered and recited, That the issuance by Worcester Suburban Electric Company of 50,312 shares of additional capital stock and the exchange thereof with Massachusetts Utilities Associates for the capital stock of Milford Electric Light and Power Company and Union Light & Power Company and the transfer by Massachusetts Utilities Associates of 143 shares of Worcester Suburban Electric Company capital stock to the public stockholders of Worcester Suburban Electric Company for the sole purpose of effecting the merger of Milford Electric Light and Power Company and Union Light & Power Company into Worcester Suburban Electric Company are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10887; Filed, June 21, 1945; 9:37 a. m.]

[File No. 812-383]

PENNSYLVANIA INDUSTRIES, INC. AND THE BEAVER CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 20th day of June A. D., 1945.

Pennsylvania Industries, Inc., a registered investment company and The Beaver Corporation, an affiliated person of Pennsylvania Industries, Inc. have filed a joint application for an order under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 exempting from the provisions of section 17 (a) of said act a proposed transaction wherein Pennsylvania Industries, Inc. proposes to acquire from The Beaver Corporation 15,000 shares of the latter's capital stock, having a par value of $10.00 per share and constituting all shares of stock of said corporation to be issued and outstanding as a result of a proposed amendment to said corporation's charter, for cash and marketable securities having an aggregate value of $150,000.

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on June 29, 1945 at ten o'clack, a. m., eastern war time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 45-10888; Filed, June 21, 1945; 9:37 a. m.]

WAR PRODUCTION BOARD.

[C-210, Revocation]

ELZEAR QUESNEL

CONSENT ORDER

Consent Order C-210 was issued September 18, 1944 against Elzear Quesnel for violation of Conservation Order L-41 upon the consent of Elzear Quesnel, the Regional Compliance Manager and the Regional Attorney, and with the approval of a Compliance Commissioner. Elzear Quesnel has sold the premises located at the southeast corner of Clark and Grant Streets, Burlington, Vermont, and application has been made to the Federal Housing Administration by the purchaser for authorization to complete the construction of the building on the premises. The Federal Housing Administration is prepared to authorize the construction requested in the application and the Regional Compliance Manager and Regional Attorney have consented to the revocation of this consent order.

In view of the foregoing, the Director of the Compliance Division and the Office of General Counsel have directed that *Consent Order C-210* be revoked.

Wherefore, it is hereby ordered that *Consent Order C-210* be revoked upon issuance of this order.

Issued this 21st day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-10910; Filed, June 21, 1945; 11:04 a. m.]

[C-336, Revocation]

GAY NINETIES NITE CLUB

CONSENT ORDER

Ed Esse, of 501 Galena Street, Toledo, Ohio, individually and doing business as Gay Nineties Nite Club, owns and operates a restaurant and night club, and was charged by the War Production Board with having done construction in April, 1945, without permission of the War Production Board, of a restaurant and night club located at 725 Jefferson Avenue, Toledo, Ohio, at an estimated cost in excess of $200, in violation of War Production Board Conservation Order L-41. A Consent Order, No. C-336 was entered into by Ed Esse, the Regional Compliance Chief, and the Regional Attorney with the approval of the Compliance Commissioner. In view of the fact that Conservation Order L-41 as amended May 29, 1945, raises the limitation on this type of construction to $5,000 the Chief Compliance Commissioner has directed that the consent Order be revoked.

In view of the foregoing, it is hereby ordered, that: *Consent Order C-336* be revoked.

Issued this 20th day of June 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-10829; Filed, June 20, 1945; 11:05 a. m.]